COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2021.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 9, 2021, at 9:49 a.m.:

That the Senate passed with an amendment H.R. 1319.

With best wishes, I am,
Sincerely,

ROBERT F. REEVES,
Deputy Clerk.

PROTECTING THE RIGHT TO ORGANIZE ACT OF 2021

Mr. SCOTT of Virginia. Mr. Speaker, pursuant to House Resolution 188, I call up the bill (H.R. 842) to amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the amendment printed in part A of House Report 117–10 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting the Right to Organize Act of 2021''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT

SEC. 101. DEFINITIONS.

(a) JOINT EMPLOYER.—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by adding at the end the following: ''Two or more persons shall be employers with respect to an employee if each such person codetermines or shares control over the employee's essential terms and conditions of employment. In determining whether such control exists, the Board or a court of competent jurisdiction shall consider as relevant direct control and indirect control over such terms and conditions, reserved authority to control such terms and conditions, and control over such terms and conditions exercised by a person in fact: Provided, That nothing herein precludes a finding that indirect or reserved control standing alone can be sufficient given specific facts and circumstances.''.

(b) EMPLOYEE.—Section 2(3) of the National Labor Relations Act (29 U.S.C. 152(3)) is amended by adding at the end the following: ''An individual performing any service shall be considered an employee (except as provided in the previous sentence) and not an independent contractor, unless—

''(A) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of service and in fact;

''(B) the service is performed outside the usual course of the business of the employer; and

''(C) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed.''.

(c) SUPERVISOR.—Section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) is amended—

(1) by inserting ''and for a majority of the individual's worktime'' after ''interest of the employer'';

(2) by striking ''assign,''; and

(3) by striking ''or responsibly to direct them,''.

SEC. 102. REPORTS.

Section 3(c) of the National Labor Relations Act is amended—

(1) by striking ''The Board'' and inserting ''(1) The Board''; and

(2) by adding at the end the following:

''(2) Effective January 1, 2023, section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 166–44; 31 U.S.C. 1113 note) shall not apply with respect to reports required under this subsection.

''(3) Each report issued under this subsection shall—

''(A) include no less detail than reports issued by the Board prior to the termination of such reports under section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 166–44; 31 U.S.C. 1113 note);

''(B) list each case in which the Designated Agency Ethics Official provided advice regarding whether a Member should be recused from participating in a case or rulemaking; and

''(C) list each case in which the Designated Agency Ethics Official determined that a Member should be recused from participating in a case or rulemaking.''.

SEC. 103. APPOINTMENT.

Section 4(a) of the National Labor Relations Act (29 U.S.C. 154(a)) is amended by striking '', or for economic analysis''.

SEC. 104. UNFAIR LABOR PRACTICES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking the period and inserting ''; ''; and

(B) by adding at the end the following:

''(6) to promise, threaten, or take any action—

''(A) to permanently replace an employee who participates in a strike as defined by section 501(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 142(2));

''(B) to discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such a strike; or

''(C) to lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a strike; and

''(7) to communicate or misrepresent to an employee under section 2(3) that such employee is excluded from the definition of employee under section 2(3).'';

(2) in subsection (b)—

(A) by striking paragraphs (4) and (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(C) in paragraph (4), as so redesignated, by striking ''affected;'' and inserting ''affected; and''; and

(D) in paragraph (5), as so redesignated, by striking ''; and'' and inserting a period;

(3) in subsection (c), by striking the period at the end and inserting the following: '': Provided, That it shall be an unfair labor practice under subsection (a)(1) for any employer to require or coerce an employee to attend or participate in such employer's campaign activities unrelated to the employee's job duties, including activities that are subject to the requirements under section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(b)).'';

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by striking ''For the purposes of this section'' and inserting ''(1) For purposes of this section'';

(C) by inserting ''and to maintain current wages, hours, and terms and conditions of employment pending an agreement'' after ''arising thereunder'';

(D) by inserting '': Provided, That an employer's duty to collectively bargain shall continue absent decertification of the labor organization following an election conducted pursuant to section 9'' after ''making of a concession:'';

(E) by inserting ''further'' before '', That where there is in effect'';

(F) by striking ''The duties imposed'' and inserting ''(2) The duties imposed'';

(G) by striking ''by paragraphs (2), (3), and (4)'' and inserting ''by subparagraphs (B), (C), and (D) of paragraph (1)'';

(H) by striking ''section 8(d)(1)'' and inserting ''paragraph (1)(A)'';

(I) by striking ''section 8(d)(3)'' and inserting ''paragraph (1)(C)'' in each place it appears;

(J) by striking ''section 8(d)(4)'' and inserting ''paragraph (1)(D)''; and

(K) by adding at the end the following:

''(3) Whenever collective bargaining is for the purpose of establishing an initial collective bargaining agreement following certification or recognition of a labor organization, the following shall apply:

''(A) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly recognized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(B) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify

the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

''(C) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under subparagraph (B), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to a tripartite arbitration panel established in accordance with such regulations as may be prescribed by the Service, with one member selected by the labor organization, one member selected by the employer, and one neutral member mutually agreed to by the parties. The labor organization and employer must each select the members of the tripartite arbitration panel within 14 days of the Service's referral; if the labor organization or employer fail to do so, the Service shall designate any members not selected by the labor organization or the employer. A majority of the tripartite arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties. Such decision shall be based on—

''(i) the employer's financial status and prospects;

''(ii) the size and type of the employer's operations and business;

''(iii) the employees' cost of living;

''(iv) the employees' ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

''(v) the wages and benefits other employers in the same business provide their employees.'';

(5) by amending subsection (e) to read as follows:

''(e) Notwithstanding chapter 1 of title 9, United States Code (commonly known as the 'Federal Arbitration Act'), or any other provision of law, it shall be an unfair labor practice under subsection (a)(1) for any employer—

''(1) to enter into or attempt to enforce any agreement, express or implied, whereby prior to a dispute to which the agreement applies, an employee undertakes or promises not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee in any forum that, but for such agreement, is of competent jurisdiction;

''(2) to coerce an employee into undertaking or promising not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee; or

''(3) to retaliate or threaten to retaliate against an employee for refusing to undertake or promise not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee: Provided, That any agreement that violates this subsection or results from a violation of this subsection shall be to such extent unenforceable and void: Provided further, That this subsection shall not apply to any agreement embodied in or expressly permitted by a contract between an employer and a labor organization.'';

(6) in subsection (g), by striking ''clause (B) of the last sentence of section 8(d) of this Act'' and inserting ''subsection (d)(2)(B)''; and

(7) by adding at the end the following:

''(h)(1) The Board shall promulgate regulations requiring each employer to post and maintain, in conspicuous places where notices to employees and applicants for employment are customarily posted both physically and electronically, a notice setting forth the rights and protections afforded employees under this Act. The Board shall make available to the public the form and text of such notice. The Board shall promulgate regulations requiring employers to notify each new employee of the information contained in the notice described in the preceding two sentences.

''(2) Whenever the Board directs an election under section 9(c) or approves an election agreement, the employer of employees in the bargaining unit shall, not later than 2 business days after the Board directs such election or approves such election agreement, provide a voter list to a labor organization that has petitioned to represent such employees. Such voter list shall include the names of all employees in the bargaining unit and such employees' home addresses, work locations, shifts, job classifications, and, if available to the employer, personal landline and mobile telephone numbers, and work and personal email addresses; the voter list must be provided in a searchable electronic format generally approved by the Board unless the employer certifies that the employer does not possess the capacity to produce the list in the required form. Not later than 9 months after the date of enactment of the Protecting the Right to Organize Act of 2021, the Board shall promulgate regulations implementing the requirements of this paragraph.

''(i) The rights of an employee under section 7 include the right to use electronic communication devices and systems (including computers, laptops, tablets, internet access, email, cellular telephones, or other company equipment) of the employer of such employee to engage in activities protected under section 7 if such employer has given such employee access to such devices and systems in the course of the work of such employee, absent a compelling business rationale for denying or limiting such use.''.

SEC. 105. REPRESENTATIVES AND ELECTIONS.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board, by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9(a), or (ii) assert that the individual or labor organization, which has been certified or is being recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9(a), the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. The Board shall find the labor organization's proposed unit to be appropriate if the employees in the proposed unit share a community of interest, and if the employees outside the unit do not share an overwhelming community of interest with employees inside. At the request of the labor organization, the Board shall direct that the election be conducted through certified mail, electronically, at the work location, or at a location other than one owned or controlled by the employer. No employer shall have standing as a party or to intervene in any representation proceeding under this section.'';

(B) in paragraph (3), by striking ''an economic strike who are not entitled to reinstatement'' and inserting ''a strike'';

(C) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (3) the following:

''(4) If the Board finds that, in an election under paragraph (1), a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have been cast in favor of representation by the labor organization, the Board shall certify the labor organization as the representative of the employees in such unit and shall issue an order requiring the employer of such employees to collectively bargain with the labor organization in accordance with section 8(d). This order shall be deemed an order under section 10(c) of this Act, without need for a determination of an unfair labor practice.

''(5)(A) If the Board finds that, in an election under paragraph (1), a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have not been cast in favor of representation by the labor organization, the Board shall certify the results of the election, subject to subparagraphs (B) and (C).

''(B) In any case in which a majority of the valid votes cast in a unit appropriate for purposes of collective bargaining have not been cast in favor of representation by the labor organization and the Board determines, following a post-election hearing, that the employer has committed a violation of this Act or otherwise interfered with a fair election, and the employer has not demonstrated that the violation or other interference is unlikely to have affected the outcome of the election, the Board shall, without ordering a new election, set aside the election and certify the labor organization as the representative of the employees in such unit and issue an order requiring the employer to bargain with the labor organization in accordance with section 8(d) if, at any time during the period beginning 1 year preceding the date of the commencement of the election and ending on the date upon which the Board makes the determination of a violation or other interference, a majority of the employees in the bargaining unit have signed authorizations designating the labor organization as their collective bargaining representative.

''(C) In any case where the Board determines that an election under this paragraph should be set aside, the Board shall direct a new election with appropriate additional safeguards necessary to ensure a fair election process, except in cases where the Board issues a bargaining order under subparagraph (B).''; and

(E) by inserting after paragraph (7), as so redesignated, the following:

''(8) Except under extraordinary circumstances—

''(A) a pre-election hearing under this subsection shall begin not later than 8 days after a notice of such hearing is served on the labor organization and shall continue from day to day until completed;

''(B) a regional director shall transmit the notice of election at the same time as the direction of election, and shall transmit such notice and such direction electronically (including transmission by email or facsimile) or by overnight mail if electronic transmission is unavailable;

''(C) not later than 2 days after the service of the notice of hearing, the employer shall—

''(i) post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted;

''(ii) if the employer customarily communicates with employees electronically, distribute such Notice electronically; and

''(iii) maintain such posting until the petition is dismissed or withdrawn or the Notice of Petition for Election is replaced by the Notice of Election;

''(D) regional directors shall schedule elections for the earliest date practicable, but not later than the 20th business day after the direction of election; and

''(E) a post-election hearing under this subsection shall begin not later than 14 days after the filing of objections, if any.'';

(2) in subsection (d), by striking ''(e) or'' and inserting ''(d) or''; and

(3) by adding at the end the following:

''(f) The Board shall dismiss any petition for an election with respect to a bargaining unit or any subdivision if, during the 12-month period ending on the date on which the petition is filed—

''(1) the employer has recognized a labor organization without an election and in accordance with this Act;

''(2) the labor organization and employer engaged in their first bargaining session following the issuance of a bargaining order by the Board; or

''(3) the labor organization and successor employer engaged in their first bargaining session following a succession.

''(g) The Board shall dismiss any petition for an election with respect to a bargaining unit or any subdivision if there is in effect a lawful written collective bargaining agreement between the employer and an exclusive representative covering any employees in the unit specified in the petition, unless the petition is filed—

''(1) on or after the date that is 3 years after the date on which the collective bargaining agreement took effect; or

''(2) during the 30-day period beginning on the date that is 90 days before the date that is 3 years after the date on which the collective bargaining agreement took effect.

''(h) The Board shall suspend the processing of any petition for an election with respect to a bargaining unit or any subdivision if a labor organization files an unfair labor practice charge alleging a violation of section 8(a) and requesting the suspension of a pending petition until the unlawful conduct, if any, is remedied or the charge is dismissed unless the Board determines that employees can, under the circumstances, exercise free choice in an election despite the unlawful conduct alleged in the charge.''.

SEC. 106. DAMAGES FOR UNFAIR LABOR PRACTICES.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking ''suffered by him'' and inserting ''suffered by such employee: Provided further, That if the Board finds that an employer has discriminated against an employee in violation of paragraph (3) or (4) of section 8(a) or has committed a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall award the employee back pay without any reduction (including any reduction based on the employee's interim earnings or failure to earn interim earnings), front pay (when appropriate), consequential damages, and an additional amount as liquidated damages equal to two times the amount of damages awarded: Provided further, no relief under this subsection shall be denied on the basis that the employee is, or was during the time of relevant employment or during the back pay period, an unauthorized alien as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)) or any other provision of Federal law relating to the unlawful employment of aliens''.

SEC. 107. ENFORCING COMPLIANCE WITH ORDERS OF THE BOARD.

(a) IN GENERAL.—Section 10 of the National Labor Relations Act (29 U.S.C. 160) is further amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d)(1) Each order of the Board shall take effect upon issuance of such order, unless otherwise directed by the Board, and shall remain in effect unless modified by the Board or unless a court of competent jurisdiction issues a superseding order.

''(2) Any person who fails or neglects to obey an order of the Board shall forfeit and pay to the Board a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Board to the district court of the United States in which the unfair labor practice or other subject of the order occurred, or in which such person or entity resides or transacts business. No action by the Board under this paragraph may be made until 30 days following the issuance of an order. Each separate violation of such an order shall be a separate offense, except that, in the case of a violation in which a person fails to obey or neglects to obey a final order of the Board, each day such failure or neglect continues shall be deemed a separate offense.

''(3) If, after having provided a person or entity with notice and an opportunity to be heard regarding a civil action under subparagraph (2) for the enforcement of an order, the court determines that the order was regularly made and duly served, and that the person or entity is in disobedience of the same, the court shall enforce obedience to such order by an injunction or other proper process, mandatory or otherwise, to—

''(A) restrain such person or entity or the officers, agents, or representatives of such person or entity, from further disobedience to such order; or

''(B) enjoin such person or entity, officers, agents, or representatives to obedience to the same.'';

(4) in subsection (f)—

(A) by striking ''proceed in the same manner as in the case of an application by the Board under subsection (e) of this section,'' and inserting ''proceed as provided under paragraph (2) of this subsection'';

(B) by striking ''Any'' and inserting the following: ''

''(1) Within 30 days of the issuance of an order, any''; and

(C) by adding at the end the following:

''(2) No objection that has not been urged before the Board, its member, agent, or agency shall be considered by a court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.''; and

(5) in subsection (g), by striking ''subsection (e) or (f) of this section'' and inserting ''subsection (d) or (f)''.

(b) CONFORMING AMENDMENT.—Section 18 of the National Labor Relations Act (29 U.S.C. 168) is amended by striking '' section 10(e) or (f)'' and inserting ''subsection (d) or (f) of section 10''.

SEC. 108. INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES INVOLVING DISCHARGE OR OTHER SERIOUS ECONOMIC HARM.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended—

(1) in subsection (j)—

(A) by striking ''The Board'' and inserting ''(1) The Board''; and

(B) by adding at the end the following:

''(2) Notwithstanding subsection (m), whenever it is charged that an employer has engaged in an unfair labor practice within the meaning of paragraph (1), (3) or (4) of section 8(a) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed under section 7, or involves discharge or other serious economic harm to an employee, the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, such officer or attorney shall bring a petition for appropriate temporary relief or restraining order as set forth in paragraph (1). The district court shall grant the relief requested unless the court concludes that there is no reasonable likelihood that the Board will succeed on the merits of the Board's claim.''; and

(2) by repealing subsections (k) and (l).

SEC. 109. PENALTIES.

(a) IN GENERAL.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(1) by striking ''SEC. 12. Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) VIOLATIONS FOR INTERFERENCE WITH BOARD.—Any person''; and

(2) by adding at the end the following:

''(b) VIOLATIONS FOR POSTING REQUIREMENTS AND VOTER LIST.—If the Board, or any agent or agency designated by the Board for such purposes, determines that an employer has violated section 8(h) or regulations issued thereunder, the Board shall—

''(1) state the findings of fact supporting such determination;

''(2) issue and cause to be served on such employer an order requiring that such employer comply with section 8(h) or regulations issued thereunder; and

''(3) impose a civil penalty in an amount determined appropriate by the Board, except that in no case shall the amount of such penalty exceed $500 for each such violation.

''(c) CIVIL PENALTIES FOR VIOLATIONS.—

''(1) IN GENERAL.—Any employer who commits an unfair labor practice within the meaning of section 8(a) shall, in addition to any remedy ordered by the Board, be subject to a civil penalty in an amount not to exceed $50,000 for each violation, except that, with respect to an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed $100,000, in any case where the employer has within the preceding 5 years committed another such violation.

''(2) CONSIDERATIONS.—In determining the amount of any civil penalty under this subsection, the Board shall consider—

''(A) the gravity of the unfair labor practice;

''(B) the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, and on the public interest; and

''(C) the gross income of the employer.

''(3) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts

and circumstances presented, that a director or officer's personal liability is warranted, a civil penalty for a violation described in this subsection may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.

''(d) RIGHT TO CIVIL ACTION.—

''(1) IN GENERAL.—Any person who is injured by reason of a violation of paragraph (1), (3), or (4) of section 8(a) may, after 60 days following the filing of a charge with the Board alleging an unfair labor practice, bring a civil action in the appropriate district court of the United States against the employer within 90 days after the expiration of the 60-day period or the date the Board notifies the person that no complaint shall issue, whichever occurs earlier, provided that the Board has not filed a petition under section 10(j) of this Act prior to the expiration of the 60-day period. No relief under this subsection shall be denied on the basis that the employee is, or was during the time of relevant employment or during the back pay period, an unauthorized alien as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)) or any other provision of Federal law relating to the unlawful employment of aliens.

''(2) AVAILABLE RELIEF.—Relief granted in an action under paragraph (1) may include—

''(A) back pay without any reduction, including any reduction based on the employee's interim earnings or failure to earn interim earnings;

''(B) front pay (when appropriate);

''(C) consequential damages;

''(D) an additional amount as liquidated damages equal to two times the cumulative amount of damages awarded under subparagraphs (A) through (C);

''(E) in appropriate cases, punitive damages in accordance with paragraph (4); and

''(F) any other relief authorized by section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)) or by section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

''(3) ATTORNEY'S FEES.—In any civil action under this subsection, the court may allow the prevailing party a reasonable attorney's fee (including expert fees) and other reasonable costs associated with maintaining the action.

''(4) PUNITIVE DAMAGES.—In awarding punitive damages under paragraph (2)(E), the court shall consider—

''(A) the gravity of the unfair labor practice;

''(B) the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, and on the public interest; and

''(C) the gross income of the employer.''.

(b) CONFORMING AMENDMENTS.—Section 10(b) of the National Labor Relations Act (29 U.S.C. 160(b)) is amended—

(1) by striking ''six months'' and inserting ''180 days''; and

(2) by striking ''the six-month period'' and inserting ''the 180-day period''.

SEC. 110. LIMITATIONS ON THE RIGHT TO STRIKE.

Section 13 of the National Labor Relations Act (29 U.S.C. 163) is amended by striking the period at the end and inserting the following: '': Provided, That the duration, scope, frequency, or intermittence of any strike or strikes shall not render such strike or strikes unprotected or prohibited.''.

SEC. 111. FAIR SHARE AGREEMENTS PERMITTED.

Section 14(b) of the National Labor Relations Act (29 U.S.C. 164(b)) is amended by striking the period at the end and inserting the following: '': Provided, That collective bargaining agreements providing that all employees in a bargaining unit shall contribute fees to a labor organization for the cost of representation, collective bargaining, contract enforcement, and related expenditures as a condition of employment shall be valid and enforceable notwithstanding any State or Territorial law.''.

TITLE II—AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS ACT, 1947 AND THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

SEC. 201. CONFORMING AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS ACT, 1947.

The Labor Management Relations Act, 1947 is amended—

(1) in section 213(a) (29 U.S.C. 183(a)), by striking ''clause (A) of the last sentence of section 8(d) (which is required by clause (3) of such section 8(d)), or within 10 days after the notice under clause (B)'' and inserting ''section 8(d)(2)(A) of the National Labor Relations Act (which is required by section 8(d)(1)(C) of such Act), or within 10 days after the notice under section 8(d)(2)(B) of such Act''; and

(2) by repealing section 303 (29 U.S.C. 187).

SEC. 202. AMENDMENTS TO THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959.

Section 203(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(c)) is amended by striking the period at the end and inserting the following '': Provided, That this subsection shall not exempt from the requirements of this section any arrangement or part of an arrangement in which a party agrees, for an object described in subsection (b)(1), to plan or conduct employee meetings; train supervisors or employer representatives to conduct meetings; coordinate or direct activities of supervisors or employer representatives; establish or facilitate employee committees; identify employees for disciplinary action, reward, or other targeting; or draft or revise employer personnel policies, speeches, presentations, or other written, recorded, or electronic communications to be delivered or disseminated to employees.''.

TITLE III—OTHER MATTERS

SEC. 301. SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act and the amendments made by this Act.

SEC. 303. RULE OF CONSTRUCTION.

The amendments made under this Act shall not be construed to amend section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

The SPEAKER pro tempore. The bill, as amended, is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) will each control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 842, the Protecting the Right to Organize Act of 2021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 842, the Protecting the Right to Organize Act of 2021, or the PRO Act.

The American economy needs a strong middle class. Labor unions play an essential role in rebuilding our middle class and improving the lives of workers and their families. There is clear evidence that workers who organize a union have higher wages, better benefits, and safer workplaces.

Regrettably, union membership has dropped over the last 50 years from nearly one-third of all workers in the mid-20th century to just over 10 percent of workers today. The decline of unions and workers' bargaining power are major reasons why income inequality has soared and wages have stagnated for hardworking people.

But this decline in union membership is not a product of workers' choices. A recent survey by MIT found that nearly half of nonunion workers say that they would vote to join a union if given the opportunity.

The gap between worker preferences and union membership is the result of an 85-year-old labor law that lacks the teeth to enforce workers' rights when employers unlawfully retaliate against them for organizing. The National Labor Relations Act, the NLRA, is far too weak to defend workers against intensifying antiunion attacks from special interests.

That is why we must pass the PRO Act. The legislation strengthens workers' rights by making significant upgrades in the NLRA since it was enacted 85 years ago.

First, the PRO Act provides new tools to protect workers from antiunion intimidation and retaliation. It then introduces meaningful penalties for companies that violate workers' rights and closes loopholes they use to exploit workers.

Finally, the PRO Act strengthens safeguards to ensure that workers can hold free, fair, and safe union elections.

Mr. Speaker, it is time for Congress to stand up for workers and ensure that they can exercise their right to join together and negotiate for higher wages, better benefits, and a safe workplace. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to the radical, partisan, and utterly shameful PRO Act.

This unnecessary bill is an assault on American workers, employers, and the economy. Democrats are pushing this sweeping legislation without holding a single committee hearing or markup.

Is this the new standard for the people's House?

It silences the minority and their constituents by denying a thorough examination of yet another extreme and

damaging Democrat legislative scheme. It is disgraceful.

The pro-union bosses' act that Democrats have disingenuously titled the PRO Act is a left-wing wish list of union boss priorities, which undermines the rights of workers by forcing them to pay into a union system, whether or not they want to be represented by a union.

Many workers would not choose to funnel billions of their hard-earned dollars to left-wing groups like Planned Parenthood, the Clinton Foundation, the Progressive Democrats of America.

This misguided bill also stunts economic recovery by hitting employers over the head with an estimated $47 billion in new annual costs. But it is not just employers who will pay the price. This bill will reclassify gig economy workers as employees, costing tens of thousands of workers their jobs and eliminating the flexibility so many rely on to care for their family members; a priority even more critical during the COVID–19 pandemic.

The appalling list of bad policy provisions in this bill goes on, and we will hear more about them during this debate. The bottom line is this, the PRO Act is a sorry excuse for legislation, and the partisan process under which it is being considered is equally embarrassing. I urge all Members to reject the PRO Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Mr. Speaker, I rise in strong support of the Protecting the Right to Organize Act.

The COVID–19 pandemic has highlighted the urgent need for workers to have the right to negotiate for better wages, stronger benefits, and safer working conditions.

To keep our communities going, nurses, grocery store workers, firefighters, childcare workers, educators, healthcare workers, and more have been showing up to work every day, despite the risks. We have the opportunity to honor their work and to help restore fairness to our economy by making it easier for workers to form unions and collectively bargain.

The PRO Act will establish substantive and enforceable penalties for unlawful tactics employers take to interfere with workers' organizing a union. The legislation closes loopholes in labor laws that allow workers to be misclassified, provides them with protections of the National Labor Relations Act, bans captive audience meetings, and prohibits employers from interfering in union elections. It is the most significant workers' rights legislation in years and an important step in restoring the middle class.

Mr. Speaker, I include in the RECORD a letter from the BlueGreen Alliance in support of the PRO Act.

MARCH 8, 2021.

DEAR REPRESENTATIVE: As a coalition of some of the nation's largest labor unions and environmental organizations, collectively representing millions of members and supporters, the BlueGreen Alliance and its partners write to express our support for the Protecting the Right to Organize (PRO) Act of 2021, H.R. 842.

In the United States, we face a critical juncture for the rights of employees to organize. Workers have faced wage stagnation, difficult working conditions, and a wholesale effort to decimate their ability to organize for the past several decades. Exploitation by employers of labor laws that have been made toothless has caused union membership to fall dramatically from 33 percent in 1956 to ten percent in 2018. As it stands, no meaningful penalties exist for corporations using illegal tactics to eliminate the option to organize. Workers, already facing record income inequality, now face job losses due to the impacts of the COVID–19 pandemic. And we know the reality is that we went into this pandemic with three ongoing interconnected crises: economic inequality, racial inequality, and climate change.

Based on the National Bureau of Economic Research's statistics, we know that unions consistently provide working Americans with ten to twenty percent higher wages than non-unionized workers. Workers who are union members fare better in crises—whether the crisis is COVID–19 or climate change. During crises, unionized workers have better access to enhanced safety measures, unemployment insurance, additional pay, paid sick time, and input in the terms of furloughs or other job-saving arrangements. Empowering workers, whether they are in the private sector or in the public sector, to band together to negotiate better wages and safer working conditions is the best path forward to protecting our workers and rebuilding America's middle class.

Organizing does not just affect job quality, though: unionized workers are better equipped to handle potentially hazardous workplace situations, and have more freedom to blow the whistle in dangerous situations. This can avert industrial accidents and result in safer communities, as well as cleaner air and water. Many unions also take firm positions on environmental issues because they understand the impact that clean air and water have on workers. Unions have supported the Clean Air Act, the Clean Water Act, and other actions designed to both reduce the carbon pollution driving climate change and grow good-paying jobs in the clean economy. This bill can also help us close the gap in union density and job quality in our growing clean energy sectors.

The PRO Act empowers employees by strengthening workers' rights to bargain and to organize. It does so by ending prohibitions on collective and class-action litigation, prohibiting employers from permanently replacing striking employees, amending how employees are defined so that no one is misclassified as an independent contractor, strengthening remedies and enforcement for employees who are exercising their rights, creating a mediation and arbitration process for new unions, protecting against coercive captive audience meetings, and streamlining the National Labor Relations Board's procedures.

The PRO Act would take tangible steps to stem the tide of continued violations of the rights of working people to organize and would provide real consequences for those who violate the rights of workers. We must restore fairness to our economy so that workers no longer get a raw deal, and strengthen the right of workers all over the country to unionize and bargain for better working conditions. For these reasons, we urge you to vote yes on the PRO Act. Thank you for your consideration.

Sincerely,

BlueGreen Alliance, American Federation of Teachers, International Union of Bricklayers and Allied Craftworkers, International Union of Painters and Allied Trades, League of Conservation Voters, National Wildlife Federation, Natural Resources Defense Council, Service Employees International Union, Sierra Club, United Steelworkers Union, Utility Workers Union of American.

Ms. BONAMICI. Mr. Speaker, I urge my colleagues to stand with workers and support this bill.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, my Democrat colleagues have, apparently, decided committee work doesn't matter for the 117th Congress because they, once again, brought legislation to the House floor without first holding a single committee hearing or markup.

□ 1245

As the Republican leader of the Health, Employment, Labor, and Pensions Subcommittee, I would have welcomed the opportunity to debate and amend this flawed legislation in committee.

H.R. 842, also known as the PRO Act, is a radical proposal aimed at appeasing big union bosses who fund the far left's political agenda. From 2010 to 2018, unions sent more than $1.6 billion in member dues to hundreds of left-wing groups like Planned Parenthood, the Clinton Foundation, and the Progressive Democrats of America, instead of spending that money on worker representation.

That is right. Union leaders are lining their pockets and their friends' pockets with the dues workers are forced to pay. No worker should be forced to participate in union activity or pay for representation they do not agree with. That is un-American. But the pro-union bosses act would overturn right-to-work laws in 27 States, including my home State of Georgia.

That would be devastating for Georgia's post-COVID economy. That is why I will offer an amendment protecting the right-to-work laws. In fact, I introduced a total of five amendments to this bill that would put workers first; but, unfortunately, Democrats only allowed one to be considered on the House floor for debate even though last Congress they allowed more than one to be voted on this House floor.

But the American people deserve to know the other amendments that the Democrats blocked.

First is protecting employees' right to secret-ballot elections. An amendment requiring all unions to win a secret-ballot election in order to be certified because no worker should face retribution because of how they cast their ballot.

Codifying a sensible joint-employer standard. An amendment that strikes

the section of the bill which defines joint employment using the indirect control and replaces this provision with the direct and immediate control to protect franchisees and treat them as any other small business owner.

Employee privacy protection. An amendment requiring employers to receive express consent from employees before sharing their personal information with a union because the bill currently does not require that consent.

And worker retirement protection. This amends the bill to state that mandatory arbitration agreements cannot force the members of a bargaining unit into a multiemployer pension plan.

All of my amendments would bring much-needed accountability and transparency, and I am disappointed a majority of them were not even allowed to be offered on the House floor. Furthermore, the PRO Act would further disrupt our economy, which is in desperate need of full reopening.

Mr. Speaker, today, I stand with small business owners and our workforce, and I oppose this bill.

Mr. SCOTT of Virginia. Mr. Speaker, during the last Congress we held three hearings and considered 35 amendments.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. POCAN), who is a member of the Committee on Education and Labor and the co-chair of the new Labor Caucus.

Mr. POCAN. Mr. Speaker, today I rise in strong support of the Protecting the Right to Organize Act.

As a small business owner and union member of the International Union of Painters and Allied Trades for 30 years, I know how important it is that every worker has a union.

Giving workers a voice in their workplace, negotiating for good, family supporting wages and benefits and worker safety are crucial to a family's ability to thrive.

Democrats will deliver on this important legislation today, but it is interesting Republicans lately have been trying to falsely rebrand themselves as the party of working people while opposing the strongest bill in Congress to give power to workers. The same Republicans who fought tooth and nail to reduce stimulus checks and unemployment insurance, championed union busting and prevented an increase in the minimum wage from being included in COVID relief.

They claim they are the party of the working people. Their idea of helping working people is voting for a $2 trillion tax cut for corporate donors and billionaire friends but refusing to vote for a $1.9 trillion investment in the American people.

Their tax breaks for the top 1 percent, by the way, even included a provision that might make it easier to send jobs overseas. Yes. That is fighting for the average worker—in China.

Please, if you are the party of working people, then I am a stunt double, doppelganger for Brad Pitt. I hope you enjoyed me in ''Fight Club.''

Today, on this side of the aisle we proudly stand up to protect the right to organize for every worker.

We will stand up for better worker protections in a pandemic.

We will stand up for negotiating for better pay and benefits to support your family.

We will stand up against antiworker so-called right-to-work laws that inevitably mean right to work for less.

We will stand up for gig workers, for nurses, for grocery workers, for meatpackers, for fast-food workers, for public service workers, and, yes, for Amazon workers in Bessemer, Alabama.

That is what the party of working people would do, and that is why we are going to pass the Protecting the Right to Organize Act this week.

Mr. Speaker, I include in the RECORD two pieces of correspondence from the International Brotherhood of Teamsters and Transport Workers Union of America.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Washington, DC, March 5, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I am writing to state our strong support for H.R. 842, the Protecting the Right to Organize Act (PRO Act). I urge you to support this critical legislation and to oppose any weakening amendments and any motion to recommit when H.R. 842 comes to the House floor this week. The Teamsters Union believes that this legislation is critically important to rebuilding the middle class and to begin reversing decades of income inequality and the erosion of worker rights.

Today, the economy is not working for working people and their families. Wages have stagnated for workers across the economy, while income has skyrocketed for CEO's and the wealthiest one percent. In large measure, this inequality is the result of a loss of bargaining power and the erosion of workers' ability to exercise their rights on the job.

Today, when workers make the decision to stand together and bargain with their employer for improved working conditions, the deck is stacked against them from day one. Under current law, unscrupulous employers, armed with limitless funds, routinely violate the National Labor Relations Act (NLRA) and block workers' ability to exercise their right to bargain for better wages and better working conditions with impunity. The Protecting the Right to Organize Act is an important step forward for workers' rights, rebuilding the middle class, and addressing inequality. It would restore and strengthen worker protections which have been eroded over the years.

The Protecting the Right to Organize Act addresses several major weaknesses in current law. The legislation enacts meaningful, enforceable penalties on employers who break the law and gives workers a private right of action if they've been terminated for union activity. The bill would make elections fairer by prohibiting employers from using coercive activities like ''captive audience'' meetings and by preventing employers from hiring permanent replacements of workers who exercise their right to strike. It would establish a process for mediation and arbitration to stop stalling tactics at the bargaining table and help parties achieve a first contract. Importantly, the bill also addresses rampant intentional misclassification and ensures that misclassified workers are not deprived of their right to form a union under the NLRA.

Research shows that workers want unions. However, there is a huge gap between the share of workers with union representation and the share of workers that would like to have a union and a voice on the job. The PRO Act would take a major step forward in closing that gap, addressing income inequality, and ultimately growing a strong middle class.

I urge you to demonstrate to the American people that workers and their rights are a priority for this Congress. I hope I can tell our members that you stood with them and other workers in their efforts to achieve meaningful worker rights and protections and better wages and working conditions. The Teamsters Union urges you to vote yes on H.R. 842 and to oppose all efforts to weaken this bill by amendment.

Sincerely,

JAMES P. HOFFA,
General President.

TRANSPORT WORKERS OF AMERICA, AFL-CIO,
Washington, DC, March 8, 2021.

DEAR REPRESENTATIVE: On behalf of more than 150,000 members of the Transport Workers Union (TWU), I am writing to urge you to support the Protecting the Right to Organize (PRO) Act when it comes to the floor this week. This bill directly addresses the needs of the middle-class in the 21st century and will help ensure that our next generation economy is one that puts working families first.

Our labor laws are designed to provide access to the time-tested process of collective bargaining. Under the National Labor Relations Act, certain workers, through their elected representatives, negotiate with their employer over the terms of their labor. How often will they work? How much will they be paid? What benefits will they receive beyond their salary? Through collective bargaining, these questions are answered in a unique way for each work group and at each company. This is an incredibly flexible process that has allowed TWU to successfully negotiate contracts for everyone from airline mechanics to bikeshare workers.

Bikeshare workers at Motivate (a company owned by Lyft) are often considered part of the ''gig economy''. They are also proud TWU members with a national contract. For many of these union members, the majority of their interaction with their employer is through an app—very similar to the way rideshare drivers interact with their employers. These workers move around a large geographic area collecting and repositioning bikes in the same way a rideshare driver would pick up and move passengers. Unlike rideshare drivers, however, bikeshare workers' rights are not seen as incompatible with their company's business model.

These workers and many others are proof that collective bargaining is powerful enough to live on into our future. None of the more than 200 current contracts that TWU has negotiated and implemented is identical—in fact many of them would work at no other company or among any other work group. While the process mandated under our labor laws may be the same, the outcomes vary wildly, allowing for growth and change as circumstances shift and technologies evolve. All workers deserve access to that process in order to better their standard of living.

Unfortunately, the proportion of unionized workers in the U.S. is near a 90-year low because of structural hurdles which make joining a new union very difficult.

The PRO Act would directly address these issues and give workers across the entire economy equal access to the collective bargaining process. In order ensure workers' rights keep pace with the new economy, the Transport Workers Union strongly urges you to vote yes on the PRO Act and to oppose any weakening amendments.

Sincerely,

JOHN SAMUELSEN,
International President.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Mr. Speaker, it is necessary for me to voice my opposition to the PRO Act, shortsighted legislation that is a bad deal for America's workers and America's employers.

The greatest thing that I learned working in a factory is that workers care about employers and employers care about and value the hardworking people who come to work and get the job done every day.

The PRO Act needlessly inserts government—what I call the middleman—into the workplace, driving a wedge between the employee-employer relationship. This bill would infringe on workers' rights and handcuff employers, making it harder for people to make decisions that positively impact their workforce.

Our team has met with employers and workers across central and northeastern Pennsylvania, and the message is crystal clear: Say no to the PRO Act.

Let's not pretend the government knows or cares about workers more than the businesses that employ them, and let's not add more mandates where they don't belong. Instead, it is time for the government to step back and for businesses to continue what they do best: innovate, produce, and provide opportunities for the American people.

If my colleagues supporting the PRO Act really care about America's employers, workers, and boosting our economic recovery, then I urge them to oppose this special interest giveaway.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL) who is a distinguished member of the Committee on Education and Labor and is the chair of the Congressional Progressive Caucus.

Ms. JAYAPAL. Madam Speaker, I rise in strong support of the PRO Act. I am very proud to be a lead sponsor of this transformative bill and to represent one of the most unionized States in the country, where I have spent two decades organizing alongside unions for decent wages, benefits, and workers' rights.

Unions helped build America's middle class. But over the years large corporations have deployed union-busting tactics to rob workers of their fundamental workplace rights. That changes today.

The PRO Act will undo decades of Republican antiworker policies. It puts power back into the hands of workers and secures the right to organize and bargain for good wages, fair benefits, and an equal voice on the job. The PRO Act is about democracy in the workplace. It is about standing with the heroic workers carrying America through the pandemic.

It is past time to pass the PRO Act.

Mr. Speaker, I include in the RECORD two letters of support from the Service Employees International Union and the Communications Workers of America.

SEIU,
February 4, 2021.

DEAR REPRESENTATIVE: On behalf of the 2 million members of the Service Employees International Union (SEIU), we write to endorse the Protecting the Right to Organize (PRO) Act of 2021. This important bill would strengthen working Americans' rights to join together in unions and bargain for higher wages and better working conditions to help create balanced, inclusive growth, and build our economy back better than it was before.

We are nearly one year into the worst public health and economic crisis we have faced in a generation, with underpaid frontline workers literally risking their lives for poverty wages. While many have rightly called these essential workers heroes, our country has failed to truly respect them with a promise to protect them and adequately pay them throughout the crisis. Too many essential workers continue to lack basic work protections like proper PPE, paid sick and family leave, or health care, and far too few have a voice in the workplace and access to a union. This is most true for the Black and brown workers who have kept us safe and fed throughout this crisis.

Unions are the best solution to leveling the playing field and safeguarding the health and safety of working people. In fact, during this crisis, where workers that have been able to act collectively and through their union, they have been able to secure enhanced safety measures, additional hazard pay, paid sick time, and other protections. But because of a concerted effort to undermine unions in America over the past forty years, just 10% of working people have a say in the decisions that affect them at work, in their communities and in our economy. Too many unscrupulous employers—even amidst a pandemic—take advantage of America's outdated labor laws to stifle the ability of working people to join together in unions to stay safe on the job and build a better future for their families.

The PRO Act would reinvigorate labor law to help build an economy that works better for the millions of people who work for a living—not just those at the top. We applaud the bill's joint employer provision, which would ensure that workers can meaningfully bargain with all companies that actually control their employment. We also endorse the bill's new standard to stop employers from misclassifying their workers as independent contractors or supervisors to escape their responsibilities. These changes would make it harder for companies to circumvent basic worker protections through subcontracting arrangements or other evasions.

We also strongly support the PRO Act's reforms banning anti-worker state laws that supersede collective bargaining agreements. These so-called Right-to Work laws weaken workers' voice at the workplace, drive down wages, and threaten the economic security of all workers—union and nonunion alike. Furthermore, working people subject to these laws earn $1,558 less per year than those who are not. The PRO Act permits companies and workers to decide for themselves whether to negotiate fair share agreements in collective bargaining. In addition, we are pleased to see PRO Act provisions that would deter employer misconduct by making remedies meaningful, penalizing the most egregious violations, limiting interference in union elections, and facilitating first contracts with newly formed unions. The bill rightfully removes restraints on workers' solidarity actions across different workplaces.

In this time of crisis, working people around the country urgently need the PRO Act's much needed reforms to make it easier for people to join unions and hold companies accountable. A voice on the job has never been more important for safeguarding the health, safety, and economic security of the working people we have relied on to get us through this pandemic.

SEIU members are proud to support the PRO Act. We will add any future votes on this legislation to our legislative scorecard.

Sincerely,

MARY KAY HENRY,
International President.

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, CLC,
Washington, DC, March 9, 2021.

DEAR REPRESENTATIVE: On behalf of the members and officers of the Communications Workers of America (CWA), I am writing to urge you to vote in favor of H.R. 842, the Protecting the Right to Organize (PRO) Act, when it comes to a vote on the House floor this week.

The ability of working people to join together to collectively bargain for fair pay and working conditions is a fundamental right. But it is extremely difficult for private sector workers covered by the NLRA to organize if their employer opposes them doing so. Companies can intimidate workers relentlessly, misclassify workers, gerrymander election units, dodge accountability for violating worker rights by hiding behind subcontractors, and more—all completely legally. And even if they do violate the law and illegally terminate or punish workers for union activity, the existing NLRA is toothless and its penalties barely amount to a slap on the wrist. Companies who illegally fire workers are only required to pay them back pay, minus any income they've had elsewhere in the interim.

Once workers do come together and organize, the existing NLRA is also inadequate to protect worker rights. Companies can easily stall indefinitely to prevent workers from getting a first contract for years after they organize. If and when workers are forced to go on strike to protect their livelihoods, employers can permanently replace strikers without consequence.

The huge surge in economic inequality over the past quarter-century is related directly to many workers' lack of a strong voice on the job. Over that time, wages have stagnated for workers across the economy, while income has skyrocketed for CEOs and the wealthiest 1%. By 2012, the wealthiest 1% made 22.5% of national income, while the bottom 90% of families made less than half of national income—just 49.6%.

Workers who form unions have stronger protections against discrimination and retaliation, enhanced job security, better retirement benefits, and more effective ways of combating practices that jeopardize their health and safety on the job. These problems have all been magnified by the ongoing COVID–19 pandemic.

New research confirms that workers without union representation are less likely to have paid leave, to have access to proper PPE at work, or to have protections against

unnecessary layoffs. The PRO Act would fix these problems and re-establish workers' right to organize in this country, In doing so, it helps combat skyrocketing economic inequality and strengthens the middle class. Therefore, I strongly urge you to vote in favor of the PRO Act and oppose any amendments that would weaken the bill. CWA will include votes on this bill in our Congressional Scorecard.

Thank you in advance for your consideration.

Sincerely,

CHRISTOPHER M. SHELTON,
President, Communications Workers of America (CWA).

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. MILLER).

Mrs. MILLER of Illinois. Mr. Speaker, I rise today in opposition to the PRO Act.

The efforts by House Democrats to kill flexible work options in America do not consider the harmful effects this bill will have on mothers. This bill would force workers out of their individual labor agreements and into one-size-fits-all union contracts.

I have seven children, and balancing work and family is an issue that I truly care about. For many mothers, flexible work opportunities are their lifeline. Federal law should not discourage mothers from working in positions that fit their unique schedules and needs. When given flexible opportunities, mothers are able to advance their careers while balancing competing priorities of childcare, education, caring for sick or aging family members, and so much more.

The only thing that this bill is pro on is big labor. The PRO Act is a massive expansion of union bosses' power at the expense of workers and employers' freedom.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I got here just a little before I was going to speak, and I heard the gentlewoman from Illinois speak. She talked about flexible work hours. I thought to myself: Who decides what is flexible?

Historically, of course, working men and women were told: You will do this for that much at this time under these conditions.

That was the reality—sweatshops, health-endangering shops, and long hours with little pay. Then the labor unions came along. They got some strength, they got some support, and lo and behold, the middle class started to grow and started to make good wages, have safe working conditions, and, yes, flexible hours.

Mr. Speaker, as we work to create jobs and build our economy back better, we need to make sure that the jobs that are available to Americans help them get by and get ahead. That is what the minimum wage battle is about. That is what this is about—average working people wanting to get by, wanting to have a decent salary, and wanting to have decent working conditions.

Very frankly, that just didn't happen, Mr. Speaker. Some died to make that a reality. Others were beaten and battered in order to have that be a reality. Child labor, abuse of gender, women abused in the workplace working in terrible, odious conditions—that is why Democrats passed the PRO Act last year, and that is why we will do so again today.

One of the most important tools for workers to secure better pay and benefits is the right to organize and bargain collectively. Those of you who have been employers know that you want to maximize profits and you want to try and manage and see whether you can hire people for X amount of dollars rather than X plus Y. That right was secured over the course of generations by workers who fought to have that right recognized and secured. Collective bargaining made possible the prosperity and upward mobility that was a hallmark of America in the 20th century.

Strong unions lead to better pay, higher quality and more affordable healthcare, more secure retirement benefits, and workplaces that are safer, not just for union members but for all workers.

Unfortunately, in the 21st century, Mr. Speaker, the right to organize has been eroded and weakened. As a result, many workers are stuck with no recourse to demand the better pay and benefits they deserve, and they need, and their families need, and we need as a middle class society that knows that we are a consumer economy. Henry Ford knew if you didn't pay them, then they couldn't buy your cars—a pretty simple equation.

The PRO Act would change that, empowering workers, once again, through their right to organize. It prevents management from misclassifying workers.

I urge Members to think whether or not that happens.

Mr. Speaker, this gig economy sounds great until you get to be 65 or 67 and you look around and there is nobody behind you. There is nobody to lift you up. There is nobody to say: Thank you for that 30 years, 40 years, or 50 years of service to our company or to our economy. It prevents management from misclassifying workers in order to avoid negotiating the fair pay and safe working conditions they deserve.

□ 1300

No, they are just contract employees. They don't have any real attachment or relationship with our company. They are just contract, and we can use them one day and throw them away the next.

Moreover, the PRO Act levels the playing field for labor unions in contract negotiations. Maybe you don't believe in that, Mr. Speaker, not you personally, but maybe there are people who don't believe that they ought to be equal. After all, I started the business, and I invested money.

I agree with that; I want to see them make money. I am a procapitalist Democrat, a procapitalist American. I have been around the world, and I have seen noncapitalist societies. They don't work very well. But the capitalist society works better if everybody is lifted, not just some.

I thank Chairman SCOTT of the Education and Labor Committee for his hard work on this bill, as well as the members of his committee.

I am proud that we Democrats strongly support this bill, which is so central to our effort to make opportunities more accessible and more broadly available to American workers as we look to rebuild our economy stronger after COVID–19.

The leader of the party on the other side of the aisle said in his speech that he gave at the beginning of the session: We are the workers' party.

We will see, Mr. Speaker, when we vote on this bill, whether that statement was accurate.

The workers are not against this bill. As I said last year, when we passed this bill, the PRO Act is the workers' rights legislation that working people in our country need and for which they have been waiting for far too long. That is why we need to pass this bill today and send it to the Senate.

Mr. Speaker, I urge a ''yes'' vote for our workers, for our families, for our children, and for our effort to build back better and stronger from the challenges we now face.

Ms. FOXX. Mr. Speaker, the Democrats continue to look backward, 100 years backward. Just before COVID hit, we had the greatest economy in our country ever, the lowest unemployment for women, minorities, everyone, without the PRO Act.

No procapitalist can support this bill. This is part of a socialist agenda.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MURPHY).

Mr. MURPHY of North Carolina. Mr. Speaker, I rise today in strong opposition to H.R. 842, the prounion bosses act.

Here we are once again. This is becoming all too familiar here in Congress, an exercise for Democrats to steamroll these massive bills through the House without proper debate or transparency. Our committee didn't even have a hearing or a markup on this.

Frankly, the bill is disastrous. Bills like this only further suppress workers' rights, create a one-size-fits-all type of union contract, and create incentives for disruptive and dangerous union strikes, especially in healthcare.

One particularly bothersome practice is this legislation would require employers to hand over workers' private personal information to union organizers—home addresses, cell phone numbers, email addresses—without

their employees' consent. These are privacy violations not to be tolerated in this country.

I know leadership doesn't want you guys to do this, but we want to work with you. I urge my colleagues on both sides of the aisle to vote ''no'' on this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Education and Labor.

Mr. LEVIN of Michigan. Mr. Speaker, I include in the RECORD a letter of support for the bill from the AFL–CIO.

Legislative Alert

AFL-CIO,
Washington, DC, March 8, 2021.

DEAR REPRESENTATIVE: On January 26, we wrote in support of the Protecting the Right to Organize (PRO) Act (H.R. 842), which would restore the original intent of the National Labor Relations Act (NLRA) to give working people a voice on the job so they can negotiate for higher wages, better benefits, a more secure retirement and a safer workplace. We write today to redouble our request and to express our views on amendments to H.R. 842 that the Rules Committee has made in order.

Now is the time to pass the PRO Act. For too long, employers have been allowed to violate workers' rights with impunity because the law includes no penalties for doing so. As a result, workers' ability to negotiate for better pay and benefits has eroded and income inequality has reached levels we have not seen since the Great Depression. In the midst of a global pandemic, which has killed tens of thousands of front line workers, it is more important than ever that working people have the right to rely on the protection of a union contract.

The PRO Act will level the playing field to give workers a fair shot when fighting for improvements on the job. The bill modernizes the NLRA by bringing its remedies in line with other workplace laws. In addition to imposing financial penalties on companies and individual corporate officers who violate the law, the bill would give workers the option of bringing their case to federal court. The bill would also make union elections fairer by prohibiting employers from requiring their employees to attend ''captive audience'' meetings, a common tactic whereby employers present anti-union propaganda to pressure workers to vote against the union.

Under the bill, once workers vote to form a union, the National Labor Relations Board (NLRB) would be authorized to order that the employer commence bargaining a first contract. These orders would be enforced in district courts to ensure swift justice, avoiding the complex and drawn out process in the courts of appeals. In addition, the bill would ensure that employees are not deprived of our right to a union because an employer deliberately misclassifies them as supervisors or independent contractors.

Too often, when workers choose to form a union, employers stall the bargaining process to avoid reaching an agreement. The PRO Act would establish a process for mediation and arbitration to help the parties achieve a first contract. This important change would make the freedom to negotiate a reality for countless workers who form unions but never get to enjoy the benefits of a collective bargaining agreement due to employers' intentional delays.

The PRO Act recognizes that employees need the freedom to picket or withhold our labor in order to push for the workplace changes we need. The bill protects employees' right to strike by preventing employers from hiring permanent replacement workers.

It also allows unrepresented employees to engage in collective action or class action lawsuits to enforce basic workplace rights, rather than being forced to arbitrate such claims alone.

Finally, the bill would eliminate ''right to work'' laws. These laws, steeped in a history of racism, are promoted by billionaires and special interest groups to give more power to corporations at the expense of workers, and have the effect of lowering wages and eroding pensions and health care coverage in states where they have been adopted.

The PRO Act is the first step towards restoring our middle class by strengthening the collective power of workers to negotiate for better pay and working conditions. After the PRO Act's passage, we urge Congress to further empower workers through passage of the Public Service Freedom to Negotiate Act, so our nation's public sector workers may enjoy the protections of a union contract.

We urge you to support and vote for the PRO Act.

AMENDMENT RECOMMENDATIONS

Tlaib (#8) This amendment establishes a 120–day timeline for the tripartite arbitration process between the employees/labor organization and employer to ensure that the arbitration process is not indefinitely drawn out. Vote yes.

Hern (#6) Prohibits the PRO Act from taking effect until the Secretary of Labor certifies that the PRO Act will not negatively affect employment rates. There is nothing to support the notion that strong labor protections have adverse impacts on job numbers. This serves no purpose other than to further delay worker access to the protections of the PRO Act. Vote no.

Keller (#16) This amendment deletes the provisions of the bill prohibiting employers from permanently replacing workers on strike and protecting the rights of workers to engage in brief or intermittent strikes. Vote no.

Good (#18) Amends section 302 of the Labor Management Relations Act to prohibit employers from remaining neutral during an organizing effort or election. Vote no.

Comer (#21) This amendment strikes the provision of the bill which requires employers to disclose how much they are spending on union-busting or ''union avoidance'' consultants. Vote no.

Torres (#22) This amendment revises the Labor-Management and Disclosure Act of 1959 to require the Department of Labor to make disclosures under the persuader rule publicly available in an accessible and searchable electronic form, and through a secure software application for use on an electronic device. Vote yes.

Walberg (#24) This amendment seeks to extend the time between a petition for a union election and a pre-election hearing. Vote no.

Levin (#34) This amendment directs the NLRB to develop a system and procedures to conduct union representation elections electronically, as allowed by the PRO Act itself. Vote yes.

Fulcher (#37) Codifies a vote-and-impound process through which the NLRB will conduct union elections even where employer coercion or other unfair labor practices have occurred, tainting the election. This policy is harmful to workers who are subject to employer unfair labor practices during or prior to a union election. Vote no.

Fitzgerald (#39) Requires an unnecessary administrative process for unions to collect consent before using dues for activities other than collective bargaining or contract administration. Serves only to create administrative hurdles as employees are already entitled to limit payments to union to those for representational purposes. Vote no.

Allen (#47) This amendment strikes the provision requiring states to allow ''fair share agreements.'' So-called ''Right to Work'' laws, which prohibit fair share agreements, depress wages and benefits. Vote no.

McBath (#54) This amendment simply clarifies that the definition of employer and employee in the PRO Act does not affect state laws governing wages, hours, workers' compensation or unemployment insurance. Vote yes.

Wilson (#59) This amendment strikes the provision requiring states to allow ''fair share agreements.'' So-called ''Right to Work'' laws, which prohibit fair share agreements, depress wages and benefits. Vote no.

Newman (#67) This amendment ensures that the NLRB's notices that inform workers of their rights be in the languages spoken by the employees. Vote yes.

The AFL-CIO offers no recommendation on the following amendments: Jackson Lee (#12), Bordeaux (#25), Stevens (#65), Murphy (#68), Davids (#71).

Restoring our middle class depends on strengthening the collective power of workers to negotiate for better pay and working conditions. This is why public support for unions is the highest it has been in decades. We urge you to support the PRO Act, oppose all weakening amendments for the reasons explained above, and help us build an economy that works for all working families. We also urge you to oppose any Motion to Recommit, which would have the effect of killing the bill.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs.

Mr. LEVIN of Michigan. Mr. Speaker, I wish I had time to rebut many arguments, like the one we just heard. The requirement that the employer share lists of the employees during a union election is decades and decades old. It hasn't changed.

In any event, I am here to support the PRO Act with all of my heart. For decades, we have witnessed the loss of workers' rights, the decline of private-sector union membership, and the erosion of the American middle class. For 86 years, Congress has failed to pass any meaningful private-sector labor law reform to reverse these devastating trends.

The decline of union membership has resulted in an unequal economy where workers no longer receive a fair share of the profits they produce. But we can change that starting today.

The PRO Act protects workers' rights to unite and negotiate for higher pay, better benefits, and safer working conditions. By passing the PRO Act, we empower workers to fight for the fruits of their labor and build an economy that works for all Americans.

I urge all of my colleagues to stand up for the working people of this Nation and vote for the PRO Act.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. FITZGERALD).

Mr. FITZGERALD. Mr. Speaker, I rise today in opposition to H.R. 842.

This bill would be the most drastic change to labor law this country has seen in the past 80 years. It would severely upend labor laws and change

long-established precedents at the behest of Democrats and their Big Labor donors and at the expense of hardworking Americans.

This bill would take away the flexibility of workers to choose their own work hours, place onerous burdens on small business, restrict the ability of employers to seek labor relations advice, and violate workers' privacy by giving labor organizations access to their contact information without consent.

This bill would also undermine the ability of States to choose their own labor laws by striking down the right-to-work laws of 27 States.

As a member of the Wisconsin Senate, I authored the right-to-work bill that became law. I can attest firsthand to what the consequences would be if these laws were struck down.

Striking down State right-to-work laws would force millions of workers to pay dues to labor unions without any say about how their money was spent.

I offered an amendment to this bill that would prevent union dues from being used for political purposes. It is yet to be seen whether Democrats will support union bosses or hardworking Americans.

Mr. SCOTT of Virginia. Mr. Speaker, could you advise how much time is available on each side?

The SPEAKER pro tempore (Mr. CICILLINE). The gentleman from Virginia has 21½ minutes. The gentlewoman from North Carolina has 20½ minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. MRVAN), a distinguished member of the Committee on Education and Labor.

Mr. MRVAN. Mr. Speaker, I thank Chairman SCOTT for this time and opportunity to speak in support of H.R. 842, the Protecting the Right to Organize Act.

Unions are the backbone of northwest Indiana's economy, and we must do all we can to strengthen the ability for all workers to form unions. For far too long, State and Federal policies have targeted union workers and their ability to position themselves and leverage.

Today, we change that. Today, we have the backs of working families. When workers can stand together and form a union, they have the ability to use their collective voice for fair wages, safe working conditions, improved health benefits, and a more secure retirement.

Organized labor is essential to creating opportunities for all individuals to have a good-paying career where they can take care of themselves and their families.

I believe that the divide in our Nation is by workers believing they will be left behind. The PRO Act will lift up workers and unite workers.

I thank Chairman SCOTT for this time, and I urge all of my colleagues to support the PRO Act so that we can move forward in creating an economy that works for everyone.

Mr. Speaker, I include in the RECORD a letter from the International Union of Bricklayers and Allied Craftworkers.

INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS,
Washington, DC, March 8, 2021.

DEAR HOUSE MEMBERS: On behalf of the International Union of Bricklayers and Allied Craftworkers (BAC), I am writing to express our strong support for the Protecting the Right to Organize (PRO) Act, H.R. 842. The PRO Act is historic legislation that will help level the playing field and provide workers the opportunity to freely exercise their right to organize a union. President Biden captured this fundamental principle clearly and succinctly when he told America's workers and companies that ''The choice to join a union is up to the workers—full stop.''

BAC is proud of the relationship that we share with our signatory employers across the United States to provide vital building and construction services to the communities we live in. However, our members, and just as importantly the contractors that hire them, are under assault by unscrupulous corporations and employers that abuse and deny their workers from having a meaningful voice in the workplace. The PRO Act would help address these abuses and provide workers a fair shot at forming a union of their choice to bargain for better wages, benefits, and conditions in the workplace.

Too often, employers intentionally violate the law during organizing campaigns because some of the penalties are so weak that low road employers just view them as a small cost of doing the business of union busting. The PRO act strengthens penalties for such behavior in order to deter employers from interfering with worker's rights.

The PRO Act also clarifies the definition of independent contractor and supervisor to help prevent the misclassification of workers. Misclassification is far too common in construction and other industries and it prevents workers from exercising their rights, getting the pay and benefits they deserve, and deprives communities of much-needed revenue through tax evasion.

Our economy is out of balance and it is time for Congress to step up to protect working class families and restore economic stability. We urge you to support the PRO Act and oppose any weakening amendments when the House of Representatives considers the bill.

Sincerely,

TIMOTHY J. DRISCOLL,
President.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. CAWTHORN).

Mr. CAWTHORN. Mr. Speaker, I rise in opposition to the PRO Act.

You see, when I came to Washington, D.C., I believed that I had one duty, one purpose, that I was elected to serve my district, my people, and to answer to nobody else except my constituents.

But since arriving in Congress, I have learned that not everyone shares the same philosophy. You see, I have come to realize that this body is oftentimes more interested in self-service than in public service, that corporate donors come before constituents, and that a union boss is more important than an American worker.

The right to work is as intrinsically American as the right to vote. No man or woman should be denied the fruits of his labor simply because they refuse to toe a partisan line. Each man and woman ought to be granted the dignity and respect to decide his own destiny.

This bill strips the right of self-determination away from the people and places it directly into the hands of the powerful. It is a shameful display of the very type of self-service that disgusts nearly every American outside of Washington, D.C.

This vote will reveal much about who we are elected to serve. Are we, as representatives of the people, elected to serve union management or our constituents?

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Minnesota (Ms. OMAR), a distinguished member of the Committee on Education and Labor.

Ms. OMAR. Mr. Speaker, I rise in solidarity with labor unions that, throughout history, have fought the greed of their bosses and corporations in order to have a better life.

I rise in solidarity with workers in the Marathon Petroleum plant in Minnesota who are striking for safer working conditions and with the workers at the Minneapolis Institute of Art, Walker Art Center, and many more workplaces that have recently unionized in my district.

I rise in solidarity with the 5,800 mostly Black workers in Alabama who are currently fighting one of the most predatory corporations in the world, Amazon, to form a union.

Labor unions have been the driving force for all positive change for workers in modern history. As a former union member myself, I can attest to the power that workers wield when they exercise their right to organize. That is why we need the PRO Act and why we must pass it this week and pressure the Senate to do the same.

The PRO Act puts power back where it belongs, in the hands of workers.

Mr. Speaker, I include in the RECORD a letter from National Nurses United.

NATIONAL NURSES UNITED,
Washington, DC, March 8, 2021.

DEAR REPRESENTATIVE, The House of Representatives is scheduled to vote on H.R. 842, the Protecting the Right to Organize (PRO) Act this week. On behalf of the 170,000 nurses represented by National Nurses United, the largest union of registered nurses in the United States, we strongly urge you to vote YES on the PRO Act, which would implement critical improvements to current labor law in order to protect the right for workers to organize collectively and form a union.

A union gives workers the ability to act together to advocate for safe working conditions, to improve their wages and benefits, and to protect their workplace rights through collective bargaining and concerted activity. For registered nurses, union advocacy and representation allow us to focus on what we do best: caring for our patients. Across the country, nurses have been subject to intimidation and retaliation from their employers because of their efforts to unionize. The PRO Act would provide critical protections for nurses who want to organize collectively.

The dire need for this legislation has been made all the more clear during this pandemic as nurses have been forced to struggle

together for the most basic safety protections at their hospitals and clinics. The formation of a union in the hospital not only offers protections to nurses and other health care workers, but just as importantly, it leads to health and safety protections that improve patient care. For example, union organizing has led to improvements in infectious disease protocols, staffing levels, workplace violence prevention programs, and safe patient handling programs, all of which directly improve patient care.

Attacks on unions and the right to unionize have hurt efforts to protect patient care in the hospital, and to improve the lives of working families outside the hospital. While the latest Gallup poll shows support for unions at its highest point since 2003, with 65% of Americans approving of labor unions, these attacks on unions and the right to organize have continued unabated. The PRO Act would provide the legislative reform needed to protect American workers.

The PRO Act would have a direct impact on registered nurses and all other workers by making the following improvements to current labor law:

Prevent employers from interfering in union elections, including prohibiting employers from holding captive audience meetings;

Facilitate first contracts by requiring mediation and arbitration to settle disputes;

Strengthen support for workers who suffer retaliation and require the National Labor Relations Board (NLRB) to immediately seek an injunction to reinstate employees while their cases are pending;

Prevent employers from forcing employees to waive their right to collective or class-action litigation;

Close loopholes in the federal labor law that allows employers to deny pay, benefits, or workers' rights to employees;

Put an end to the misclassification of employees as supervisors or independent contractors;

Enhance the right to support boycotts, strikes, and other acts of solidarity.

This legislation is of high priority for registered nurses across the country, and we hope you will join with us in supporting it by voting yes. If you have any questions, please do not hesitate to contact our Lead Legislative Advocate.

Sincerely,

BONNIE CASTILLO, RN,
Executive Director, National Nurses United.
DEBORAH BURGER, RN,
President, National Nurses United.
ZENEI CORTEZ, RN,
President, National Nurses United.
JEAN ROSS, RN,
President, National Nurses United.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

Mrs. MILLER-MEEKS. Mr. Speaker, I thank Dr. FOXX for yielding time for me to speak today.

Even though I have family members who are members of unions, I rise today to speak in opposition to H.R. 842, the PRO Act.

The PRO Act is an unnecessary challenge to the rights of business owners and workers alike. The legislation would eliminate right-to-work laws across our country, and Iowa has one of those. It is yet another attempt to attack States' rights.

Abolishing these laws would force workers to participate in and pay dues to unions, even if they don't wish to be represented or support a union's political philosophy.

If my colleagues on the other side of the aisle cared about workers' rights, why did this administration cancel the Keystone Pipeline and open our borders to a crisis?

Additionally, this bill would strike down other worker protections, including their ability to hold secret ballot elections and to be heard by the National Labor Relations Board, and would create burdensome guidelines for determining joint employment and independent contractor status.

We need to do more to support our workers and businesses and do it in a bipartisan fashion.

Mr. Speaker, I urge all of my colleagues to oppose the prounion boss act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TAKANO), a member of the Committee on Education and Labor and chair of the Committee on Veterans' Affairs.

Mr. TAKANO. Mr. Speaker, I thank the gentleman for yielding.

Over the years, Republicans and wealthy corporate interests have chipped away at labor rights, stripping workers of their power and worsening economic inequality in the process.

Since March 2020, as the pandemic has ravaged our communities, billionaires' wealth has grown by $1.3 trillion. Meanwhile, millions of Americans are still unemployed, and working families are struggling to pay for food, rent, medical bills, and other basic necessities.

It is time to put an end to antiunion activities. They are illegal power grabs by antilabor special interests that put profits over the needs of working people.

On our path to economic recovery, unions will offer us a way to build back our middle class stronger than ever before. Let's pass this bill to give more power to American workers, reduce economic inequality, and support working families.

Mr. Speaker, I include in the RECORD the letter from The Leadership Conference on Civil and Human Rights in support of the Protecting the Right to Organize Act of 2021.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, March 8, 2021.

Vote Yes on H.R. 842, the Protecting the Right to Organize Act of 2021.

DEAR REPRESENTATIVE, On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all person in the United States, we urge you to vote YES on H.R. 842, the Protecting the Right to Organize (PRO) Act of 2021. Protecting the right to collectively bargain is a top priority for the civil and human rights community, and The Leadership Conference will include your vote on H.R. 842 in our Voting Record for the 117th Congress.

Economic security is inextricably linked to civil and human rights, and enabling working people to exercise the right to form unions and engage in meaningful collective bargaining is one of the most effective, efficient, and comprehensive ways to promote economic security for individuals and their families. Unions allow working people to have a stronger voice to advocate for fair wages, safer working conditions, and better workplace standards. A working person covered by a union contract earns, on average, 11.2 percent more in wages than a nonunionized worker in the same sector with similar education and experience, and the gains are even more pronounced for workers of color. Black workers, for example, earn 14 percent more than their non-union counterparts, and Latino workers earn 20 percent more. Unions also help close race and gender wage gaps, and unionized workers enjoy safer workplaces, stronger health care benefits, more predictable work schedules, greater access to paid sick days, and better retirement benefits.

The benefits of unions have become even more pronounced during the COVID crisis. Too many essential workers during this pandemic have lacked basic protections on the job, leading to thousands of working people becoming infected with the coronavirus, some dying as a result. Many sites of coronavirus outbreaks during the pandemic were at workplaces that offered low-pay and limited, if any, benefits to workforces with large concentrations of people of color, women, and immigrants—communities, who because of decades of systemic discrimination, have fewer resources to withstand a health emergency. Working people with a union, however, were better able to negotiate enhanced health and safety measures, premium pay, and paid sick leave during this crisis. Research also shows that unionized workers have felt less fearful speaking out about health and safety hazards on the job.

Despite the right to form unions and collectively bargain, attacks on unions have led to a decline in the share of working people covered by collective bargaining agreements over the past 40 years, a trend that has mirrored the rise in income inequality in America. It is clear, however, that working people want to join unions. There is a 400 percent gap between the percentage of working people who say they want a union—48 percent—and the percentage of unionized workers, around 12 percent. Workers want unions because they have seen how having a collective voice allows them to win better pay and benefits, stronger health and safety protections, and more fairness on the job. The PRO Act would streamline the process for forming a union, ensure that new unions are able to negotiate a first collective bargaining agreement, and hold employers accountable when they violate workers' rights.

Though the National Labor Relations Act (NLRA) was meant to encourage collective bargaining, in the 80 years since its passage, nearly every amendment to the law has made it harder for working people to form unions. This allows employers to take advantage of weaknesses in the law to undermine the rights of working people, including firing pro-union workers, holding mandatory meetings to bash unions, and refusing to bargain a first contract after a union is formed. These hostile behaviors, which occur at the expense of the employee, are often without consequence for the employer. The PRO Act seeks to remedy this imbalance by bolstering workers' rights and creating accountability for employers that engage in anti-union behavior.

The PRO Act would reform existing labor laws and protect the right to join a union by:

Imposing stronger remedies when employers interfere with workers' rights. The PRO

Act would institute civil penalties for violations of the NLRA and would also require the National Labor Relations Board (NLRB) to go to court for an injunction to immediately reinstate terminated workers if the NLRB believes an employer has illegally retaliated against workers for union activity. The PRO Act would also give workers the right to go to court on their own to seek relief, bringing labor law in line with other workplace laws that allow for a private right of action.

Strengthening workers' right to join a union and collectively bargain over working conditions. The PRO Act would prohibit employers from holding mandatory anti-union meetings and engaging in other coercive anti-union tactics. The law would establish a process for reaching a first agreement when workers organize, employing mediation, and then, if necessary, binding arbitration. The PRO Act would also allow employers and unions to agree upon a ''fair share'' clause requiring all workers who are covered by the collective bargaining agreement to contribute a fair share fee towards the cost of bargaining and administering the agreement, even in so-called ''right-to-work'' states. The PRO Act will also help level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from firing workers during lawful strikes.

Unrigging the rules that are tilted against workers. The PRO Act tightens the definitions of independent contractor and supervisor to help prevent misclassification and make sure that all eligible workers can unionize if they choose to do so. The PRO Act also makes clear that workers can have more than one employer, and that both employers need to engage in collective bargaining over the terms and conditions of employment that they control or influence. To create transparency in labor-management relations, the PRO Act would require employers to post notices that inform workers of their NRLA rights and to disclose contracts with consultants hired to persuade workers on how to exercise their rights.

Through organizing, bargaining, litigation, legislative, and political advocacy, unions and the labor movement have played a significant role in advancing the rights and interests of people of color and women in the workplace and in our society overall. Unions can best play this role when the right of workers to organize and bargain is fully protected and can be freely exercised.

Working people in America need—and have a right to enjoy—the benefits that result from collective bargaining and union membership. We urge you to vote yes on H.R. 842, the Protecting the Right to Organize Act of 2021, to help ensure that working people are paid fairly, treated with dignity, and have a voice on the job.

Sincerely,

WADE HENDERSON,
Interim President and CEO.
LASHAWN WARREN,
Executive Vice President for Government Affairs.

□ 1315

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. HARSHBARGER.)

Mrs. HARSHBARGER. Mr. Speaker, I rise today in opposition to the PRO Act.

The bill is nothing more than a payoff to union bosses at the expense of the American workers and our businesses.

This bill would abolish States' right-to-work laws, like ours in Tennessee. This would force workers to give money to unions from their hard-earned paychecks, even if they don't want union representation.

Where do these union contributions end up?

Well, let me tell you: with left-wing political activist groups. $1.6 billion—and that is billion, with a B—in union member dues went to these groups between 2010 and 2018 alone.

Last week, the Democrats passed a bill to direct tax dollars to political campaigns. And if that wasn't enough, now they are trying to force more workers to pay union dues so union bosses have more cash to funnel as political donations to left-wing groups.

So let me ask you, America: Should Members of Congress be able to tell others how to do their jobs and who can employ you? I think not.

This bill is just another progressive power grab, and American workers and businesses deserve better.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. WILD), a distinguished member of the Committee on Education and Labor.

Ms. WILD. Mr. Speaker, I rise in support of the most important pro-labor legislation in several generations, the Protecting the Right to Organize Act, otherwise known as the PRO Act.

For far too long, the deck has been stacked against the right to freely organize and collectively bargain. We have seen the result. Despite massive gains in productivity and economic growth, working- and middle-class American workers' purchasing power and real wages have barely moved from where they were 40 years ago. Meanwhile, the gains that were created by those workers have flowed overwhelmingly to the super wealthy at the very top.

Let's level the playing field and give America's workers a seat at the table. I urge my colleagues to vote ''yes'' on the PRO Act, and I urge the Senate to pass it and get it to the President's desk for signature.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, I will make four points on this bill.

First of all, under this bill, you can have a vote on unionization within under 15—I am told even 11—days of finding out the vote is coming. You look at our elections. I know in the State of Wisconsin, probably similar, you get over 2½ months between filing and knowing you are going to have an election and actually the election. It is hard to believe anybody who really cares about the worker would do that.

Secondly, your privacy concerns. You are even giving the addresses of all of the employees to the unions. This is supposedly the party of women. Do you really want to come home at night and have people in your driveway wanting to talk to you about an election?

Third, we are getting rid of the secret ballot. I don't know how anybody who cares about anybody would get rid of the secret ballot.

And, fourth, you have a situation here, when it is unclear whether something right or wrong happened, automatically you go to a union. So you can have a situation here in which the majority of people did not vote for a union, and the government bureaucrat says, automatically, you are unionized.

And one final comment: For people talking about purchasing power, the most recent COVID bill is a strange bill. Your purchasing power is going down.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ESPAILLAT), a distinguished member of the Committee on Education and Labor.

Mr. ESPAILLAT. Mr. Speaker, I include in the RECORD a letter from the International Alliance of Theatrical Stage Employees.

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES,
New York, NY, March 8, 2021.

Re H.R. 842, the Protecting the Right to Organize (PRO) Act.

DEAR REPRESENTATIVE: I write to you on behalf of the over 127,000 American members of the International Alliance of Theatrical Stage Employees (IATSE) to urge you to support H.R. 842, the Protecting the Right to Organize (PRO) Act, and to oppose any weakening amendments or motion to recommit when the U.S. House of Representatives considers the bill this week.

The IATSE proudly represents behind-the-scenes workers in all forms of live theater, motion picture and television production, trade shows and exhibitions, television broadcasting, and concerts, as well as the equipment and construction shops that support these areas of the entertainment industry. The ongoing COVID–19 pandemic has put millions out of work and threatens the safety of countless others. Over the course of the last year, we have seen that belonging to a union can, quite literally, be the difference between life and death on the job. The time to act is now.

Labor unions are under assault, with policies across the country undermining workers' collective bargaining rights and stripping union workers of the wages, benefits, and retirement security they deserve. The PRO Act would help level the playing field in an economy pillaged by inequality and anti-worker legislation and would make the freedom to negotiate collectively a reality for millions of American workers.

The PRO Act, which passed the House with bipartisan support last year, will restore the original intent of the National Labor Relations Act (NLRA), which was to give working people a voice on the job so they can negotiate for higher wages, better benefits, a safe workplace and protection against discrimination.

Among its key provisions, the PRO Act gives the National Labor Relations Board (NLRB) authority to ensure employers not only negotiate in good faith but incur financial and legal penalties for union-busting. The status quo gives employers perverse incentives to lie, threaten, and coerce workers out of joining a union. They routinely fire union supporters and force workers to attend mandatory ''captive audience meetings'' where they slander union membership.

Too often, when workers choose to form a union, employers stall the bargaining process to avoid reaching an agreement. The

PRO Act would establish a process for mediation and arbitration to help the parties achieve a first contract. Employers would also be prohibited from hiding behind subcontractors, or deliberately misclassifying employees as independent contractors, to evade their responsibilities of providing a livable wage, health benefits, or safe work environment.

The bill protects the right to strike and makes it illegal for bosses to fire and replace workers who walk off the job in protest of better conditions. Workers must be allowed to picket and withhold their labor in order to have the power necessary to improve their workplaces.

Finally, this crucial piece of legislation eliminates the ''right-to-work'' laws of the Jim Crow era that enable union ''free riders'' and ultimately put lives at risk. Each year, dubious special interest groups and their billionaire funders push these laws to give corporations even greater power at the expense of American workers. The last seven decades have shown that people in states with right-to-work laws receive lower wages and reduced access to quality health care and retirement security.

The passage of the PRO Act is an important step to rebuilding America's working class, not just from the policy failures of the last few decades, but also the ongoing COVID–19 pandemic. This crisis has shown the importance of having a voice in the workplace and support for labor unions is at a historic high. Recent studies have found that nearly half of all nonunion workers, more than 60 million people, would join a union today if given the chance. This is that chance. That is why I urge you to support the PRO Act when it comes before you for a vote on the House floor.

Thank you for the opportunity to provide input.

Sincerely,

MATTHEW D. LOEB,
International President.

Mr. ESPAILLAT. Mr. Speaker, the PRO Act puts workers first.

During the COVID–19 pandemic, almost all of the critical sectors of our economy that have remained open and functioning have relied on union labor and union workers. They are our frontline workers.

We depend on frontline workers in our hospitals, in our transit systems, in our classrooms, our schools, in our essential businesses, like supermarkets and corner stores. Frontline workers are, indeed, essential workers.

Every time you go to any of my neighborhoods in Harlem, East Harlem, Hamilton Heights, Washington Heights, Inwood, and the northwest Bronx, you find these essential workers, 24/7, working to support their families and our communities.

The PRO Act puts workers first with the respect and protections and security that they deserve. I urge my colleagues to support the PRO Act. No more lip service. No more empty promises. Let's vote for the PRO Act today.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Mrs. SPARTZ).

Mrs. SPARTZ. Mr. Speaker, today, I rise in opposition to H.R. 842.

Like many other bills in this Congress, the majority has rushed this bill to the floor with no deliberation in committee.

To be clear, I have never opposed union rights to organize. In fact, I have worked with them on some valid issues. However, this bill, among its many concerning provisions, denies States' rights.

As a former State senator, I believe it is unconstitutional to deny my State of Indiana and our constituents the ability to decide for themselves whether to join a union.

In short, the PRO Act is an antibusiness, antiworker, and antifree enterprise socialist agenda. I urge my colleagues to vote against this radical bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the United States House of Representatives.

Ms. PELOSI. Mr. Speaker, as we gather here today to pass the PRO Act, we are engaged in a great act of patriotism for our country.

The middle class is the backbone of our democracy. The middle class in America has a union label on it. So as we move to strengthen collective bargaining and the rest, we are strengthening our middle class and our democracy. For that reason, I rise with great pride as the House takes this historic patriotic step forward for our workers and for justice and fairness in America.

I thank Chairman BOBBY SCOTT, the chair of the Education and Labor Committee, for his leadership in the PRO Act, among other things, and his lifelong dedication to fighting for working families.

That is what unifies us as Democrats. With all of our differences, our unity springs from our commitment to making progress for America's working families.

This progress is possible, because just over 4 months ago, Americans went to the polls and elected President Biden, a champion of workers, whose commitment to families' health and financial security is in his DNA.

The elected Democratic majorities in Congress know that unions are the backbone of our Nation. And as I have said for many years, the middle class has a union label on it. It bears repeating.

Now, House Democrats are honoring that truth by, tomorrow, passing the American Rescue Plan, which honors our heroes, healthcare workers, first responders, transportation, sanitation, food workers, and our teachers, many of them members of unions.

Today, we are passing the crown jewel of our pro-worker agenda, the PRO Act.

Again, under the American Rescue Plan, we have a very significant provision for pensions.

The PRO Act restores and strengthens the powers of unions to fight for better wages and working conditions, which is both a moral and economic imperative for building back better—building back our economy better.

Unions pave the way for bigger paychecks for all, over the last 80 years, consistently providing workers with 10 to 20 percent higher wages, benefits so strong that even nonunion workers receive better wages.

Unions deliver greater access to affordable healthcare and a secure retirement. Workers represented by a union are significantly more likely to have access to health insurance through work and five times as likely to have a defined benefit pension—and that, with Mr. SCOTT's leadership, is a significant part of the American Rescue Plan, which we will pass either later today, depending on how long it takes in the Rules Committee, or tomorrow at the latest.

Vitally, unions are a force for justice. Union members of color have almost five times the median wealth of their nonunion counterparts, and unions are one of the most effective tools for closing the gender pay gap. That is something I am so proud of and so grateful to organized labor for, because they have done more to close the gender pay gap than any organization you can name, except possibly, pretty soon, this Congress may vote to have equal pay for equal work. That is something we have passed in the House; hopefully, we can pass it in the Senate.

Yet today, unions face a brutal and existential assault waged from courthouses, State houses, and even this House: from the disastrous Supreme Court ruling in Janus, which trampled over the freedoms of more than 17 million public workers; to so-called right-to-work laws, which give employers the right to gut unions; to the GOP tax scam, giving 83 percent of the benefits to corporations and the wealthy and raising taxes on 86 million middle-class families.

Let me just say that that GOP tax scam, which cost about $1.9 trillion—I will talk about this later, but I want to mention it here every chance I get. Their tax scam cost about $1.9 trillion, exactly what this bill invests in, and this bill takes half the kids in America who are poor, out of poverty, a third of the people in poverty out of poverty, invests in working-class families, puts vaccines in people's arms, children back in school safely, money in people's pockets, and, again, people back to work. It is something that will grow the economy, as opposed to their tax scam, which just heaped mountains of debt onto future generations.

They didn't complain when it cost $1.9 trillion to give a tax break to the rich. They are just complaining when we are trying to lift the American people up in the time of a pandemic, as well as the economic crisis that accompanies it.

At the same time of all this, workers seeking to organize a union face a surge of intimidation and retaliation from the employers and special interests. In fact, employers are charged with violating Federal law in the majority of all union election campaigns involving more than 60 employees. In

one out of five union election campaigns, employers are charged with illegally firing a worker participating in a union activity. Year in and year out, big corporate employers get away with their crimes. No accountability, no consequence; just full impunity.

We must strengthen the power of unions to negotiate for what they need and deserve, which is why, today, we are passing the PRO Act, because what they need and deserve is what America's workers need and deserve.

The most comprehensive, consequential pro-worker legislation in over 80 years, the PRO Act empowers workers to exercise their basic right to organize, including by giving workers the power to override right-to-work laws and streamlining access to justice for workers who are retaliated against.

It holds employers accountable, reversing an unacceptable status quo in which there are no monetary penalties for companies that violate workers' rights, no matter how repeated or egregious the violation.

□ 1330

And it strengthens workers' access to fair and free union elections, fixing a process that is fundamentally rigged against workers so that they, not employers, can decide for themselves whether to join a union.

This legislation will make a tremendous difference in workers' lives, helping combat the acceleration of economic inequality that undermines the middle class, which has only grown worse over the past year.

In this past year, the rich have gotten so much richer. Let me tell you how much. During the first 4 months of the pandemic, while workers suffered record high unemployment, Mr. Speaker, American billionaires' wealth grew by $931 billion. Extraction of money to the top.

The PRO Act is part of the Democrats' mission not only to recover from this time of crisis, but to Build Back Better, advancing an economy that works for every American in every ZIP Code.

As the AFL–CIO, representing over 12 million workers, writes, ''In the midst of a global pandemic, which has killed tens of thousands of frontline workers, it is more important than ever that working people have the right to rely on the protection of a union contract. The PRO Act will level the playing field to give workers a fair shot when fighting for improvements on the job . . . The PRO Act is the first step to restoring our middle class.''

As we pass the PRO Act, Democrats will continue our work to pass a $15 minimum wage, secure paycheck fairness for women—that is coming up in a couple of weeks—protect pensions—tomorrow—and lower healthcare costs and increase paychecks for all.

I have a sweater that one of my friends gave me, and it says ''We don't agonize, we organize.'' So I want to also embroider on there, ''We don't agonize, we organize, we unionize,'' because that is the way that we are going to level the playing field for America's workers.

For America's workers and middle class and for the financial security of all Americans, I urge a strong bipartisan vote on the PRO Act.

I thank the gentleman again, our distinguished chair, Mr. SCOTT, for his leadership.

Ms. FOXX. Mr. Speaker, we know that hyperbole is the strong suit of Democrats, but how anyone can say that giving freedom to workers to join or not join a union is trampling the rights of workers takes hyperbole to new heights.

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Speaker, I rise to voice my strong opposition to this bill, which would cripple American entrepreneurs and workers, just the opposite of what we should be doing to stimulate an economy.

Workers already have the right to organize under Federal law, as they should, but the PRO Act takes the extreme step of forcing unionization onto workers who do not wish to be a part of a union.

And just like the recent $2 trillion spending spree, Democrats are ramming this partisan bill through with no Republican input. We didn't even have a committee hearing to examine its harmful effects, including an estimated $47 billion on job creators.

Unfortunately, one of my commonsense amendments—to preserve a longstanding ban on secondary boycotts—was blocked by the Democrat majority.

Democrats would be wise to heed President Biden's message of unity and work with Republicans to help our economy. Instead, they are back this week with more partisan bills designed to appease left-wing special interest groups. American workers deserve better.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOWMAN), the vice chair of the Committee on Education and Labor.

Mr. BOWMAN. Mr. Speaker, we live in a country where CEOs can make as much as 320 times what their workers make. We live in a country where 1 percent—the top 1 percent economically controls more wealth than the bottom 90 percent of our country. We live in a country where three individuals own more wealth than the bottom 50 percent of our Nation. In a democracy with a Constitution such as ours, this economic inequality cannot stand.

The PRO Act seeks to empower workers, workers who built this country with their blood, sweat, and tears, who work overtime and extra time and weekends and do not take a vacation so that our economy can thrive. The PRO Act gives workers the opportunity to unionize and organize without being oppressed within the plantation capitalist system. I rise to ask bipartisan support of this important legislation.

Mr. Speaker, I include in the RECORD a letter of support for this legislation from the United Food and Commercial Workers International Union.

UFCW,
Washington, DC, March 8, 2021.

TO ALL MEMBERS OF THE UNITED STATES CONGRESS

Re UFCW Action: Vote YES on H.R. 8421|Protecting the Right to Organize (PRO) Act.

DEAR SENATOR AND/OR REPRESENTATIVE: On behalf of the 1.3 million members of the United Food and Commercial Workers International Union (UFCW), I urge you to vote ''yes'' on the Protecting the Right to Organize Act when it comes to the House floor and oppose any motions to reconsider or weaking amendments. UFCW members are essential frontline workers risking their lives to keep food on our tables, grocery shelves stocked, and our prescriptions filled during this pandemic. By strengthening the right to organize, collectively bargain, and keep our workplaces safe, the PRO Act will provide a better life for our current and future members. We will be scoring this vote.

Workers face many difficulties on the job including hazardous working conditions, diminishing value of benefits, and stagnating wages. The best way for workers to increase workplace safety, wages, and benefits is to form a union—however, the right to organize has been eroded. The PRO Act would modernize the National Labor Relations Act (NLRA) to strengthen the rights of workers to organize, place meaningful penalties on employers who violate workers' rights, and return power to workers to bargaining for fairer wages, benefits, and working conditions.

The UFCW believes that restoring our middle class is dependent on strengthening the collective strength of workers to negotiate for better pay and benefits. Please vote ''yes'' on the PRO Act and help us build an economy that works for all working families.

Sincerely,

ANTHONY M. PERRONE,
International President.
SHAUN BARCLAY,
International Secretary-Treasurer.

Ms. FOXX. Mr. Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentlewoman from North Carolina has 14 minutes remaining, and the gentleman from Virginia has 14½ minutes remaining.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. FULCHER).

Mr. FULCHER. Mr. Speaker, I rise in opposition to H.R. 842, the so-called PRO Act. This bill undermines worker privacy, forces independent contractors to become employees, and overturns right-to-work laws in 27 States, including my home State of Idaho.

The bill obstructs workers from getting rid of corrupt unions by blocking or delaying elections from taking place due to frivolous lawsuits.

Now, I have an amendment. It is unlikely to see the light of day. So I will mention it here. It protects the worker's right to vote. Under my amendment, if an unfair labor practice charge

is made, the election still takes place, with ballots secured by the National Labor Relations Board until the charge is resolved.

Now, make no mistake, H.R. 842 would still be a bad bill, but at least my amendment would ensure union elections take place as scheduled, prioritizing worker rights over the unionization process.

Mr. SCOTT of Virginia. Mr. Speaker, the gentleman's amendment was made in order, so we will be considering it.

Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. ADAMS), the chair of the Workforce Protections Subcommittee.

Ms. ADAMS. Mr. Speaker, I rise today in support of H.R. 842, the Protecting the Right to Organize Act.

Workers, especially people of color, built this country, and they have kept it afloat. Never has that truth been more evident than now, as we grapple with the COVID–19 pandemic.

Despite their essential roles in our society, though, we have seen workers' rights systematically suppressed for decades, including the fundamental right to ban together to organize and to advocate for fair treatment, for fair pay, and benefits for safe and healthy work environments, and for the respect and dignity they are due as working people, let alone the backbone of our economy.

But, Mr. Speaker and colleagues, let's be clear. This is not just about fairness. It is about justice, economic justice. Workers, especially women and people of color, have driven economic growth in this country, but have seen the fruit of their labor concentrating and accumulating in the hands of the wealthiest. In other words, their work, their sacrifice has not trickled down.

Enough is enough. Workers deserve their share. They deserve justice. I strongly support this bill.

Mr. Speaker, I include in the RECORD a letter from the Laborers' International Union of North America.

LIUNA!,
Washington, DC, March 8, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 500,000 members of the Laborers' International Union of North America (LIUNA), I write to ask you to support H.R. 842, the Protecting the Right to Organize (PRO) Act, when it comes to the House floor for a vote. The right to join a union is critical to ensure that workers receive fair pay and benefits and safe jobsites. The PRO Act will expand the National Labor Relations Act (NLRA) to ensure that workers and unions have real, enforceable protections under the law.

One of the most significant problems with the NLRA is the absence of effective remedies for workers against employers who break the law. Often, employers fire union supporters to defeat union organizing efforts, knowing that the penalty is low, only lost wages, and even that is reduced by the amount the worker earns on any other work that he or she finds after getting fired. H.R. 842 will address this serious problem by authorizing the National Labor Relations Board (NLRB) to impose penalties of up to $50,000 for unfair labor practices.

The PRO Act strengthens enforcement of the NLRA in other important ways. For example, the PRO Act allows workers to exercise First Amendment rights to free speech against so-called secondary employers. It strengthens workers' and unions' representational rights and protects immigrants' labor rights. Significantly, it adopts the so-called ABC test for distinguishing employees from independent contractors. Under the Bill, a person is an independent contractor only if the individual is free from the employer's control and direction, the service is outside the normal course of the employer's business, and the individual is customarily engaged in an independently established trade or business. H.R. 842 will also prevent employers from misclassifying workers as supervisors and will establish that employers with control over employees are held responsible for their actions in the workplace, including users of temp agencies. This addresses an important circumstance, since three million people are employed daily by temp agencies. The PRO Act would also ban captive audience meetings, giving workers the power and freedom to decide for themselves if union representation is right for them. Importantly, the PRO Act would push back on the recent so-called right to work laws, which harm unions and our members, by allowing unions to recover fair share fees covering the costs of collective bargaining and representation.

For these reasons, and for the many other improvements to labor law in the Bill, LIUNA supports the PRO Act and asks you to vote yes when it comes to the House floor.

With kind regards, I am

Sincerely yours,

TERRY O'SULLIVAN,
General President.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. STEEL).

Mrs. STEEL. Mr. Speaker, I rise today against the PRO Act.

The PRO Act strips people of their right to work and comes at a time when our economy has been transformed by the COVID–19 pandemic. Now more than ever, people need more flexibility and independence to work in the capacity they see fit, not less.

Independent contractors, entrepreneurs, and small businesses in my home State of California already understand the devastating effects AB–5 had on their ability to provide for their families. Even in California, they realized there needed to be exceptions for certain industries. The PRO Act makes no such exceptions.

The blanket approach that proved to be a disaster in California is certainly guaranteed to cause more harm to workers at the national level.

Mr. Speaker, I urge my colleagues to vote ''no'' on this misguided legislation and to preserve our constituents' rights to work.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. JONES), a distinguished member of the Committee on Education and Labor.

Mr. JONES. Mr. Speaker, I rise in support of the PRO Act, which protects a worker's right to join a union.

This is not just an issue of economic justice, as we seek to restore power to the people, as we experience an era of entrenched corporate power, and as members of this very body dare to debate the need for a $15 minimum wage.

This is also an issue of racial justice. History shows that unions help to reduce the racial wage gap by empowering Black and Brown workers to fight for better pay and better working conditions; but, due to Republican policies, much of that progress has been lost.

Today, we are seeing the increasing exploitation of workers of color. Antiunion policies have hurt Black and Brown workers the most. Today, people of color are the most likely to be exploited by greedy corporations.

We cannot achieve racial justice without economic justice, and we can't achieve economic justice without protecting all of our workers and their right to organize.

Mr. Speaker, I strongly support this proworker bill, and I urge my colleagues to vote ''yes.''

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise today in strong opposition to H.R. 842, the prounion bosses' act.

First off, Americans have the right to organize and join a union if they choose to do so, and United States law has protected this freedom for over 80 years.

My father was a machinist and a union organizer for part of his career, and I worked for a time at U.S. Steel South Works on the south side of Chicago, a union steelworker.

Unions have and can still play a valuable role in our Nation's workforce. However, any reforms we make to our labor laws should put workers first. Unfortunately, the radical, partisan legislation we are considering today grants unprecedented power to union leaders at the expense of workers.

We have seen what can happen when union leaders abuse the trust of their rank-and-file members. Most recently, a Federal investigation into the United Autoworkers revealed an extensive and long-lasting effort by two former UAW presidents and their subordinates to embezzle over $1.5 million in UAW money for their personal benefit.

Sadly, the sweeping proposals of this bill will only increase the likelihood of abuse similar.

Mr. Speaker, the hardworking families we represent deserve better than the legislation before us. Let's elevate and protect the rights of workers with a union that serves them instead of tipping the scales against them in favor of special interests and union leaders who serve themselves.

Mr. Speaker, I urge opposition to H.R. 842.

Mr. SCOTT of Virginia. Mr. Speaker, reference was made to union officials at the UAW. They were caught and prosecuted under present law. The Trump administration that prosecuted them did not make any recommendations for changes in the law.

Mr. Speaker, I am proud to yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I stand in favor of the PRO Act. And what a perfect acronym it is, because this bill is, indeed, proworker, procapitalism, proeconomic recovery, profamily, prowomen, just pro-American.

I am proud to represent a State with a large union presence, a large organized labor presence that has over 161,000 union members, just as I am proud to vote for this bill.

We have seen firsthand how unions enable workers to have better pay, better benefits, better working conditions. Unions also help address the gender wage gap and promote diversity. Indeed, they are the tide that lifts all ships; yet, across the country, the right to unionize has come under assault.

In the face of these attacks, the PRO Act is the strongest upgrade to workers' collective bargaining rights in nearly a century.

□ 1345

It will empower workers to exercise their rights and hold employers accountable when they try to stand in the way.

I include in the RECORD a letter from UNITE HERE also in support of the PRO Act.

UNITEHERE!,
OFFICE OF THE PRESIDENT,
Las Vegas, NV, March 9, 2021.

Re Support the PRO Act (H.R. 842).

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: I urge you to support the Protecting the Right to Organize (PRO) Act, H.R. 842. Like President Biden, the workers we organize in the casino, hotel, and food service industries believe the union is the path to the middle class. The PRO Act will remove many obstacles to joining a union and achieving a union contract through collective bargaining. It will give millions of workers a real opportunity to lift up themselves and their families into the American middle class.

One of the most significant provisions of the PRO Act is to introduce meaningful, enforceable penalties for breaking federal labor law. President Biden has spoken forcefully for the need to hold corporate executives personally accountable for interfering in union elections and violating other labor laws. We should hold corporate decision makers personally responsible in order to protect employees against illegal anti-union actions just as we hold executives responsible in order to protect investors against illegal financial reporting practices under the Sarbanes-Oxley Act.

In Las Vegas, workers at the Station Casinos chain have fought for over a decade to unionize. These workers—cooks, food servers, bartenders, cocktail servers, porters, hotel housekeepers—have seen their efforts thwarted every step of the way by Station Casinos. The company and its two billionaire owners have faced little consequence for the company's long-running anti-union campaign of threats, intimidation, promises, and other interference in employees' efforts to exercise their right to join a union as well as Trumpian refusals to recognize workers' democratic decisions to unionize without costly litigation. The experience of Station Casinos workers shows exactly why it is vitally important to pass the PRO Act to provide for real penalties to corporate and executive wrongdoing when it comes to worker rights.

In September 2012, the National Labor Relations Board ruled that Station Casinos broke the law dozens of times in its initial response to worker organizing at its Las Vegas casinos. As a remedy, the NLRB required the company to post a notice at all its properties promising not to do so again. Given this mere slap on the wrist by the government, it is perhaps unsurprising that Station Casinos would continue to use certain of the same tactics to oppose unionization that it promised it would not engage in.

Notwithstanding their employer's opposition, Station Casinos workers persevered and won NLRB-conducted representation elections at several of the companies' properties. They did so amidst Station Casinos' ongoing anti-union campaign: at Boulder Station, 67% of workers voted Yes to joining the union in September 2016; 78% voted Yes for the union at Green Valley Ranch Casino in November 2017; 83% voted Yes at Palms Casino in April 2018; 82% voted Yes at Sunset Station in June 2019; 85% voted Yes at Fiesta Rancho Casino in June 2019; and 57% voted Yes at Fiesta Henderson Casino in September 2019.

But these election victories have not led to bargaining victories. Station Casinos refused to accept the results of several of these landslide results. Instead it mounted a time-consuming litigation campaign through the NLRB and, in two instances, the courts, seeking to overturn workers' democratic choices. It did so despite public statements that it would respect the results of NLRB elections.

Even after Station Casinos stopped litigating election results and started to negotiate with the union, it has made massive unilateral changes in what the Union alleges is an effort to frustrate the possibility of reaching collective bargaining agreements. While the Union expects that the NLRB's Acting General Counsel's office will do everything in his power to address these alleged unfair labor practices, he still has no better remedies available to him than when Station Casinos was first cited with lawbreaking in 2012.

Years of facing no real consequences culminated in a frenzied campaign by Station Casinos to stop workers at its largest property, Red Rock Resort, from voting for the union in December 2019. The company's action was so brazen and egregious that the NLRB is currently seeking a rare federal court injunction against it. But it should not have gotten to this point for there to be potentially real consequences for a company that repeatedly breaks federal labor law. Recidivism should have consequences.

Station Casinos has been able to attack its employee's federal rights to organize and collectively bargain for years with impunity because the company and its decision makers—ultimately its billionaire owners—have not had to pay, literally and figuratively, for management's breaking the law, denying workers' right to organize, and refusing to recognize the democratic decision to unionize.

The PRO Act would begin to change this unfair situation by putting real teeth into the National Labor Relations Act, including permitting the NLRB to impose personal liability on corporate directors and officers who participate in violations of workers' rights or have knowledge of and fail to prevent such violations. This and other changes are necessary to change the anti-union behavior of those who are insulated from the consequences of lawbreaking by their enormous amount of legal and other resources at their disposal.

Real monetary penalties and personal liability—including jail time, as President Biden has argued—are what will make corporate decision makers understand that it is the national policy of the United States, enshrined in the National Labor Relations Act, to encourage unionization and collective bargaining. With the PRO Act, we can begin to modernize our legal system to advance American workers' rights to organize and collectively bargain in accordance with that national policy.

I urge you to vote Yes on the PRO Act.

Sincerely,

D. TAYLOR,
President.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, unions make American companies less efficient, less profitable, less competitive, and they cost American jobs.

I actually worked in a unionized auto factory during college, and I saw the problems with unions firsthand.

Unions protect the unproductive worker; diminish the incentive to stand out and be exceptional; treat everyone the same based on seniority; encourage an entitlement mentality; and foster an attitude of resentment toward management.

They have outlived their value from when they originated to correct what are now unfair and unlawful labor practices.

Every employee should be inspired to progress within an organization without at some point stepping over to the dark side because they become stigmatized as a member of management.

The PRO Act is an example of government, or this very Congress, employing its own union boss tactics to try to reverse the Nation's downward trend in union membership.

It is no coincidence that unions are among the biggest contributors to the Democrat party with over $200 million given last year alone.

Every State should be a right-to-work State, and that is what we should encourage instead of trying to force union membership on the Nation's workers.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Mr. Speaker, the aggressive concentration of wealth in corporate boardrooms, the unending attacks on unions and their attempts to organize, and the passage of so-called right-to-work laws, which we now know are really the right-to-deprivation laws, have left America's workers begging for scraps, rather than receiving the fair compensation and full benefits they deserve.

My father was a proud member of the Ironworkers Union. He showed up every day and worked hard, erecting buildings and bridges across New England.

And while he was at work, he knew that his union was fighting to defend him and his brothers and sisters and their families by looking out for our interests at the negotiating table.

It is thanks to the strong benefits and wages secured by his union that my parents were able to provide for my sisters and me.

The PRO Act is about making sure that other families have that same chance. It is about restoring dignity and power to where it belongs: with our workers.

After all, it is our workers who kept us afloat, fed, housed, and safe this last year. For that I urge this bill's passage.

Mr. Speaker, I include in the RECORD a letter from the American Federation of State, County and Municipal Employees in support of this bill.

AFSCME,
Washington, DC, March 8, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to vote Yes on the ''Protecting the Right to Organize (PRO) Act'' (H.R. 842). As the largest public-sector union our members believe that all workers, both private and public sector, deserve the right to organize and bargain collectively to improve their working conditions.

Workers need a voice on the job now more than ever before. Since the beginning of the pandemic, unions have advocated for workers' safety and protections. Nurses, teachers, first responders, bus drivers, grocery store workers and other essential workers were in desperate need of personal protective equipment and the right to use paid leave to self-quarantine or take care of someone who might have been affected, which unions fought for. Unions also helped to prevent layoffs and furloughs to save jobs and win additional premium pay and paid sick time.

The value that unions provide to workers and their families creates a strong middle class that makes the economy work for all Americans. With high unemployment and people struggling to make ends meet, it is important to strengthen workers' rights and the ability to organize. On average, a worker covered by a union contract earns 11.2 percent more in wages than a worker in a non-union workplace in the same sector. Living wages and benefits with union jobs can lead to job competition with nonunion jobs, helping to strengthen local economies.

The PRO Act strengthens federal laws that protect workers' rights to organize and collectively bargain for wages, paid leave, health insurance, retirement benefits, and workplace protections and safety. The bill increases penalties for employers that violate workers' rights. It strengthens support for workers who suffer retaliation. It prevents employers from misclassifying employees, and it prohibits employers from interfering in union elections.

AFSCME strongly urges Congress to pass the PRO Act to build back our country and to get us out of this economic crisis stronger than before.

Sincerely,

BAILEY K. CHILDERS,
Director of Federal Government Affairs.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, this bill is further proof that there is virtually no distinction between the Democratic Party and unions as a political organization.

In 1 week, Mr. Speaker, the Democrats are bailing out failed union pensions with tens of billions of dollars in taxpayer moneys, and now they are forcing States and workers into this failed union system.

This bill is definitely prounion, but it is antiworker, anticompetitive, and antifreedom. This bill forces workers into unions, forces them to pay union dues. It deprives them of their right to privacy. It forces workers to divulge their personal information to their union bosses. What a racket. It would wreak havoc on our workers.

Talk is cheap, Mr. Speaker, and the American worker isn't buying this empty political rhetoric. They understand the best way to protect workers is through progrowth, America-first policies that give our workers more freedom, more opportunity, and more of their hard-earned money in their pockets.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. DINGELL), the co-chair of the Labor Caucus.

Mrs. DINGELL. Mr. Speaker, I rise today in strong support of the PRO Act.

This bill supports workers in this country by implementing meaningful and enforceable penalties for companies that violate workers' rights.

It expands accessibility to collective bargaining and closes loopholes used to exploit workers while strengthening workers' access to fair union elections.

Unions are the bedrock of our Nation's prosperity and success. Many of us have been impacted by their good work. Healthcare benefits, pensions, safe working conditions, vacations, and holidays, teacher-to-student ratios, nurse-to-patient ratios were all negotiated and pushed forward by unions. Too many of us take for granted benefits that we enjoy because of hard-fought battles by unions.

A January 2021 Bureau of Labor Statistics report highlights that nonunion worker median weekly earnings were 84 percent of earnings for workers who were union members. Further research also underscores that strong unions lead to higher wages for all workers, regardless of their union status.

Mr. Speaker, I include in the RECORD a letter from the International Federation of Professional and Technical Engineers.

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL-CIO & CLC,
Washington, DC, March 8, 2021.

DEAR REPRESENTATIVE: On behalf of 90,000 workers represented by the International Federation of Professional and Technical Engineers (IFPTE), we urge you to vote for the Protecting the Right to Organize Act of 2021, H.R. 842 (PRO Act). The bipartisan PRO Act, sponsored by House Education and Labor Chair Bobby Scott, restores the original intent of the National Labor Relations Act of 1935 (NLRA) and levels the playing field between workers who want to form unions and employers who exploit weaknesses in the current law to frustrate union organizing drives and interfere with workers' legal rights to organize and bargain collectively.

If enacted, the PRO Act would counter the all-too-common anti-union intimidation tactics that workers who are organizing a union are subjected to. For example, upwards of 50 professionals employed by Animal Legal Defense Fund (ALDF) are currently voting by mail to form a union with the Nonprofit Professional Employees Union-IFPTE Local 70 (NPEU) so that they can have a voice in creating a workplace that is anti-racist, cooperative, equitable, inclusive, just, respectful, and transparent. These are attorneys, legislative affairs professionals, and communications professionals whose personal and professional dedication to their work ties their working conditions to ALDF's mission. Unfortunately, the employer's anti-union campaign has included spending undisclosed resources to hire an anti-union firm to engage in some of the very anti-worker behavior that this bill seeks to correct. This includes activities such as weekly coercive union avoidance meetings and anti-union communication filled with misinformation, intimidation aimed at discouraging union activity, as well as misclassifying employees as management ahead of the unionization vote.

This bill meaningfully restores workers' rights to determine for themselves if they want a union by providing a fair process for union recognition if the National Labor Relations Board (NLRB) determines that the employer illegally interfered with the union representation election. Provisions in the bill also allow the union or the employer to request a mediation-arbitration process for first contract negotiations that take longer than 90 days. Language in this bill that prohibits captive audience meetings and reinstates the requirement that employers disclose the hiring of and compensation for anti-union consultants will help workers make informed choices when they receive information from their employers. By clarifying and updating the NLRA's definitions for employee, supervisor, and employer, the PRO Act clarifies the definition of joint employer and closes loopholes that allow employers to misclassify workers. Furthermore, this bill gives the NLRB the authority to conduct economic analysis as it sets policies and regulations, increases penalties against employers who violate the NLRA, requires employers to reinstate workers while the NLRB investigates the retaliatory firing, and gives unions the ability to collect fair-share fees.

For all the reasons above, IFPTE requests you vote for the PRO Act. We urge you to vote against any amendments that weaken sections of the bill, especially sections that prohibit and prevent the misclassification of workers. Further, IFPTE is hopeful that the Rules Committee makes in order and the House approves Rep. Andy Levin's SAFE Act as a part of the underlying bill. The inclusion of this provision would remove the long-standing NLRB prohibition against administering union elections electronically.

Thank you for considering our request. Should you have any questions, please feel free to contact either of us.

Sincerely,

PAUL SHEARON,
President.
MATTHEW BIGGS,
Secretary-Treasurer/ Legislative Director.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank my friend, the ranking member on the committee, for yielding.

Mr. Speaker, I rise in opposition to the PRO Act of 2021.

Out of many features that would hurt employees and economic growth in Arkansas in this bill is a hostile practice

banned by the National Labor Relations Act of 1959. This bill fully resurrects it.

Yet, these unfair practices continued post-1959 in the construction industry.

For example, Mr. Speaker, in 2004 the Eighth Circuit heard a hot cargo agreement case. In exchange for a no-strike pledge, a construction firm agreed to perform the work and agreed it would hire union workers, but they hired a subcontractor, who, while they didn't sign the agreement, agreed to use union labor anyway. They went on strike, Mr. Speaker, even though they hired union workers. This is the kind of unfair approach that does not deserve to be enshrined in this bill. As a result, the contractor received a cease and desist demand and workers lost the opportunity to work.

I tried to amend this bill to remove this hot cargo bad idea, but the amendment was rejected by House Democrats.

This is an example of how this party wants to go back to 1959 and instill this for all workers across our Nation. We need to oppose this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GARCÍA).

Mr. GARCÍA of Illinois. Mr. Speaker, today I rise in strong support of the Protecting the Right to Organize Act.

Workers sacrifice so much to keep our country going during this pandemic. They risk their safety, and many have lost their lives.

But workers everywhere are also organizing to improve their working conditions and keep our communities safe.

This bill simply guarantees the right to fight for safety and dignity on the job.

It is for Amazon workers in my neighborhood in Chicago fighting for their safety on the warehouse floor; for nurses demanding safe staffing levels in hospitals and nursing homes; for rideshare drivers and delivery workers who don't even have basic rights at work.

I urge this body to pass the PRO Act for them and for all of us.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. KIM).

Mrs. KIM of California. Mr. Speaker, I thank Ms. FOXX for yielding.

I rise today in support of our Nation's workers and businesses. We must find ways to work together to help our economy recover from COVID–19.

However, this bill is not the answer, and it is not even close. This bill will nationalize the disastrous California policies that have forced businesses out of my State, killed jobs, and hurt workers.

As we saw in California, businesses that can afford lobbyists eventually get carveouts, while small businesses are left holding the bag.

The last thing we should be doing during this time is passing legislation that will kill jobs and make our recovery even harder. From Uber and Lyft drivers to financial advisers to local artists, we should support workers' freedom, our gig economy, and create policies to promote innovation.

We should learn from the failings of AB–5 in California and vote ''no'' on the PRO Act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN. Mr. Speaker, one of the earlier speakers said: ''This is the most dramatic change in labor law in 80 years.'' And I say: ''Thank God.''

In the late seventies, a CEO's earnings were 35 times that of the worker. Today, it is 3 to 400 times what the worker makes. And our friends on the other side are running around with their hair on fire.

Heaven forbid we pass something that is going to help the damn workers in the United States of America. Heaven forbid we tilt the balance that has been going in the wrong direction for 50 years.

We talk about pensions. You complain. We talk about the minimum wage increase. You complain. We talk about giving them the right to organize. You complain. But if we were passing a tax cut here, you would all be getting in line to vote ''yes'' for it.

Mr. Speaker, I include in the RECORD a letter from the International Association of Machinists and Aerospace Workers in support of the PRO Act.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, Maryland, March 9, 2021.

DEAR REPRESENTATIVE, On behalf of the International Association of Machinists and Aerospace Workers, I strongly urge you to support the Protecting the Right to Organize (PRO) Act introduced by Representative Bobby Scott. In a functioning and recovering economy, working families and middle-class Americans cannot be left behind.

The PRO Act is a crucially bold piece of legislation that modernizes federal laws and expands workers' collective bargaining rights and closes loopholes that corporations use to exploit workers. The bill also establishes a process for mediation and arbitration to help the parties achieve a first contract. It protects workers' right to organize a union and bargain for higher wages and better benefits.

However, the right to freely form a union without the threat of company intimidation or interference is denied to workers today. The PRO Act strengthens protections for employees that engage in collective action and levels the playing field by prohibiting employers from requiring their employees to attend ''captive audience'' meetings whose sole purpose is to convince workers to vote against the union. In addition to imposing financial penalties on employers and individual corporate offices who violate the law, the bill would give workers the option of bringing their case to federal court.

Finally, the PRO Act would override state ''right to work'' laws. These laws are simply designed to give more power to corporations at the expense of workers, and have had the effect of lowering wages and eroding pensions and health care coverage in states where they have been adopted.

For all the above these reasons, I respectfully urge you to support the PRO Act and vote ''YES'' on this long overdue legislation.

Thank you,

ROBERT MARTINEZ, JR.,
International President.

Mr. RYAN. You need to stop talking about Dr. Seuss and start working with us on behalf of the American workers.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. FOXX. Mr. Speaker, I am using my inside voice.

Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Mrs. LESKO).

Mrs. LESKO. Mr. Speaker, during their floor speeches today, both Speaker PELOSI and Leader HOYER claimed this bill is for the workers.

If my Democratic colleagues care so much about American workers, why do they support incentivizing millions of illegal immigrants into our Nation to take away jobs from American workers?

Why do they support this bill that could force workers to pay union dues even if they don't want to?

Why do they want to take away Arizona workers' rights under the Arizona's right-to-work law?

This bill is bad for employees. It is bad for employers. And it is bad for America. I oppose this bill.

Mr. SCOTT of Virginia. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 7 minutes remaining. The gentlewoman from North Carolina has 5 minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DESAULNIER), the chair of the Subcommittee on Health, Employment, Labor, and Pensions of the Education and Labor Committee.

Mr. DESAULNIER. Mr. Speaker, I am a proud former member of Teamsters Local 170 in Worcester, Massachusetts, and a former member of AFL–CIO Local 2 in San Francisco. From that experience, I know personally the value of being a union member.

I am also a former small business person who knows the value of having good-paying jobs in a community represented by union members to small businesses.

Mr. Speaker, the wealthiest Americans continue to take home a larger and larger share of America's wealth. According to Fed data, the top 1 percent of Americans have a combined net worth of $34.2 trillion, which is 15 times more wealth than the bottom 50 percent of Americans. One percent has more wealth than 160 million Americans.

□ 1400

This is unparalleled in our existence and must be addressed if you really care about working people. This inequality has contributed to what is called diseases of despair by public health experts and has worsened the behavioral health crisis exponentially in this country.

At the same time, union coverage today is half of what it was 40 years ago, and research shows deunionization

accounts for up to one-third of the inequality of which I speak.

The Economic Policy Institute estimates that deunionization has led to working people losing $200 billion per year, and that money goes to make inequality greater and goes into the already exceedingly disproportionate wealth by those in the 1 percent. It hurts all of us, including them.

Strengthening access to unions and American workers being able to organize will help restore the balance of power between workers and employers, wages and capital. The research is clear that when workers collectively bargain and organize, their pay goes up. On average, a worker covered by a union contract earns 13 percent more than a peer in a nonunionized workplace.

Madam Speaker, I appreciate the gentleman for yielding me the time, and I ask my colleagues to enthusiastically support this initiative.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Madam Speaker, I heard the majority leader speak about something that happened in 1870 and 1880, like the Pinkertons are still running around union busting.

Well, it is not 1870. It is not 1880. It is not even the time of President Obama. But during President Obama's time, he proposed the ambush election rule, and that is in this bill.

What does that mean? That means the employer must give up the addresses, the contact and personal information, and the working schedule of everybody in their facility. And they don't get to say no. The people who work there don't get to say no. Even the Obama NLRB said that they would be subjected to harassment, coercion, or robbery—or robbery.

Madam Speaker, I offered an amendment, which the majority refused, to close the loophole that exempts union violence, coercion, and extortion. Think about that, union violence.

If they have the information of the employees and are prone to violence, and if you live in Philadelphia, you just go back to the helpful union guy, the helpful union guys, the thugs and the presentment.

Reject this. This is the PRO Act, indeed—protecting corrupt union bosses from their own failures. Vote ''no.''

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. NORCROSS), a distinguished member of the Committee on Education and Labor.

Mr. NORCROSS. Madam Speaker, the ''thugs.'' Are those the friends of the folks who attacked this Capitol? Is that who you are talking about? Those are thugs.

Madam Speaker, for 44 years, I have been a member of the IBEW. My brothers went to college. I did the other thing. I went to the other 4-year school, an apprenticeship. My entire life has been about speaking for those voices, those workers who didn't have a voice.

Listen to this: Employers shouldn't make the decision, and unions shouldn't make the decision. Employees make the decision whether or not they want to enter into a collective bargaining agreement.

That is one of the reasons why I and five others formed the Labor Caucus, because their voices are not being heard.

Unlimited money, the total control of the workplace—OSHA injuries are much higher on nonunion jobs than union jobs. Why? Because workers have a voice. They have better health benefits; they have better pensions; they have dignity in retiring.

Madam Speaker, I have spent 44 years and have been involved with 30 organizing campaigns. I know what it is like to go out and get those cards signed. I know what it is like to have a fair election, and that is what we need.

Fairness in America still counts, and workers have been on the wrong end of that deal for so long.

Madam Speaker, I am asking my colleagues to do what is right for America. Pass the PRO Act. We are all in this together.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, and still I rise. And I thank the Honorable BOBBY SCOTT for the opportunity to be heard. I will be terse.

Madam Speaker, unions protect people. Unions protect people because those workers will organize and make sure that there is a safe work environment.

This is important because if not but for the union, many companies would simply build into the cost of doing business the injuries that may be sustained. I am a member of Local 1550 of AFSCME and proud to say it.

Madam Speaker, I support this legislation because it will save lives.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BANKS).

Mr. BANKS. Madam Speaker, if we adopt the motion to recommit, we will instruct the Committee on Education and Labor to consider an amendment to prohibit labor organizations from encouraging illegal immigrants to join their ranks.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore (Ms. SCANLON). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BANKS. Madam Speaker, thanks to the COVID–19 pandemic and onerous government restrictions, the last year has been among the toughest for working Americans in our Nation's history. Congress' foremost duty today is to help the millions of hurting American workers recover their lost jobs and wages.

Madam Speaker, this bill prevents us from fulfilling that duty and, instead, prioritizes the interests of illegal immigrants and union bosses.

Madam Speaker, I am the grandson and son of proud union members, and my brother works at the same factory in northeast Indiana and belongs to the same union that my dad and grandfather and uncles and cousins, and many others, have as well.

So let me tell you, it is a travesty that Democrats think that people who broke our Nation's laws deserve the same labor rights as they do. This bill, as written, would lessen American citizens' union voting power and hand it to people who aren't even legally employed. It goes against the very purpose of unions: providing a forum where American workers can have a voice.

Madam Speaker, this bill would disempower American workers by drowning out their voices to the benefit of illegal immigrants.

The amendment I propose is simple: Individuals who are not eligible to work in our country should not be contacted or courted by labor leadership. If my Democratic colleagues insist on moving forward with this bill without my amendment, they wouldn't be protecting Americans' right to organize. They would be prohibiting American workers from organizing as a distinct group.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Madam Speaker, I yield the gentleman from Indiana an additional 15 seconds.

Mr. BANKS. Madam Speaker, the Democratic Party claims to have the best interest of American workers at heart so, please, prove it.

Madam Speaker, I urge all of my colleagues to vote ''yes'' on the motion to recommit.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I am prepared to close, and I yield myself the balance of my time.

Madam Speaker, this bill is an effort by Democrats to cave to big labor and special interest groups' demands at the expense of the American workforce and the economy. Once again, Democrats are attempting to ram through radical, partisan legislation.

H.R. 842 is radical, backward-looking legislation, which will diminish the rights of workers and employers while harming the economy and providing a political gift to labor union special interests.

I thank my Republican colleagues for their hard work in fighting for American workers and job creators. I urge all of my colleagues to consider the serious damage that the passage of this bill would do, and I urge a ''no'' vote.

Madam Speaker, I reiterate, just before COVID hit, we had a booming, booming economy without this legislation. This will harm the economy, harm the American workers, and do great injustice to well-meaning employers who risk every day their capital and their energy to create jobs.

Madam Speaker, this bill deserves a ''no'' vote, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, each of us can agree that hard work in this country should pay off. Yet, for far too long, we have allowed wealthy special interests to pad the profit margins by stripping workers of their rights.

Madam Speaker, we often voice our support for workers. Today, we have the opportunity to match our words with action by taking a historic step to ensure that they can stand together and negotiate for higher pay, better benefits, and safer workplaces.

I want to recognize all the workers and advocates, especially my colleagues on the Committee on Education and Labor, for their leadership on this legislation.

There is an extensive legislative history underpinning this bill, including three hearings and a markup in the 116th Congress. The views of the committee are outlined in the committee report from the last Congress.

Madam Speaker, I include in the RECORD a Statement of Administration Policy in support of the PRO Act and a statement by President Biden on the House taking up the PRO Act.

STATEMENT OF ADMINISTRATION POLICY

H.R. 842—PROTECTING THE RIGHT TO ORGANIZE ACT OF 2021—REP. SCOTT, D–VA, AND 212 CO-SPONSORS

The Administration strongly supports House passage of H.R. 842, the Protecting the Right to Organize (PRO) Act of 2021, which would strengthen the Federal laws that protect workers' right to organize a union and collectively bargain for better wages, benefits, and working conditions.

America was not built by Wall Street. It was built by the middle class, and unions built the middle class. Unions put power in the hands of workers. They give workers a stronger voice to increase wages, improve the quality of jobs and protect job security, protect against racial and all other forms of discrimination and sexual harassment, and protect workers' health, safety, and benefits in the workplace. Unions lift up workers, both union and non-union.

The policy of the United States Government, stated clearly in the National Labor Relations Act, is to encourage union organizing and collective bargaining. However, due to anti-union efforts by many employers for decades, lax enforcement of existing labor laws, and the failure to restore and strengthen labor laws to address the real-world of labor-management relations, only 6.3% percent of private-sector U.S. wage and salary workers were union members in 2020.

H.R. 842 would strengthen and protect workers' right to form a union by allowing the National Labor Relations Board (NLRB) to assess penalties on employers who violate workers' right to organize and ensuring that workers who suffer retaliation for exercising these rights receive immediate relief.

The PRO Act also defends workers' right to strike—a fundamental economic right—and to engage in boycotts and other acts of solidarity with workers at other companies without penalty. It clarifies that employers may not force employees to waive their rights to join together in collective or class action litigation. The bill also closes loopholes in Federal labor law by barring employers from misclassifying workers as independent contractors and preventing workers from being denied remedies due to their immigration status. It establishes an expansive joint employer standard, allowing workers to collectively bargain with all the companies that control the terms and conditions of their employment. The bill allows unions to collect fair-share fees to cover the cost of collective bargaining and administering a union contract for all workers who are protected by the contract's terms. H.R. 842 restores workers' access to fair union elections and ensures the results are respected.

The Administration strongly encourages the House to pass H.R. 842, and looks forward to working with the Congress to enact this critical legislation that safeguards workers' rights to organize and bargain collectively. The PRO Act will strengthen our democracy and advance dignity in the workplace.

STATEMENT BY PRESIDENT JOE BIDEN ON THE HOUSE TAKING UP THE PRO ACT

(Statements and Releases, March 9, 2021)

I strongly encourage the House to pass the Protecting the Right to Organize (PRO) Act of 2021, which would dramatically enhance the power of workers to organize and collectively bargain for better wages, benefits, and working conditions.

As America works to recover from the devastating challenges of deadly pandemic, an economic crisis, and reckoning on race that reveals deep disparities, we need to summon a new wave of worker power to create an economy that works for everyone. We owe it not only to those who have put in a lifetime of work, but to the next generation of workers who have only known an America of rising inequality and shrinking opportunity. All of us deserve to enjoy America's promise in full—and our nation's leaders have a responsibility to deliver it.

That starts with rebuilding unions. The middle class built this country, and unions built the middle class. Unions give workers a stronger voice to increase wages, improve the quality of jobs and protect job security, protect against racial and all other forms of discrimination and sexual harassment, and protect workers' health, safety, and benefits in the workplace. Unions lift up workers, both union and non-union. They are critical to strengthening our economic competitiveness.

But, after generations of sweat and sacrifice, fighting hard to earn the wages and benefits that built and sustained the American middle class, unions are under siege. Nearly 60 million Americans would join a union if they get a chance, but too many employers and states prevent them from doing so through anti-union attacks. They know that without unions, they can run the table on workers—union and non-union alike.

We should all remember that the National Labor Relations Act didn't just say that we shouldn't hamstring unions or merely tolerate them. It said that we should encourage unions. The PRO Act would take critical steps to help restore this intent.

I urge Congress to send the PRO Act to my desk so we can seize the opportunity to build a future that reflects working people's courage and ambition, and offers not only good jobs with a real choice to join a union—but the dignity, equity, shared prosperity and common purpose the hardworking people who built this country and make it run deserve.

Mr. SCOTT of Virginia. Madam Speaker, I urge my colleagues to support the Protecting the Right to Organize Act, and I yield back the balance of my time.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in strong support of H.R. 842, the Protecting the Right to Organize Act of 2021, or the PRO Act.

For too long, wealthy corporations and employers have dictated the stability and success of working and middle-class Americans—often without their best interests in mind. The PRO Act seeks to combat this injustice by providing increased opportunities for workers to organize, holding employers accountable for violations of workers' rights, and securing free, fair, and safe union elections.

The timing of the vote on this legislation is crucial. We have watched as the COVID–19 pandemic has further exacerbated the existing inequalities in our economy. The rich have gotten richer, while the employees on the front lines have faced harsh conditions, risks to their health, and a minimal, at best, increase in pay. It is therefore critical that these workers be able to exercise their right to organize a union so that they can advocate as one for higher wages, better benefits, and safer working conditions.

As a dues-paying, active member of the American Federation of Government Employees (AFGE), I have seen firsthand the important role that unions play in empowering workers across the country. And I will continue to be a strong advocate for workers' rights—because our country is only as strong as our workers.

Madam Speaker, a strong middle class is essential to a strong economy. That is why I am proud to support the PRO Act and would encourage its immediate consideration in the Senate.

Ms. STEVENS. Madam Speaker, I rise today to recognize the passage of the Protecting the Right to Organize Act, a piece of legislation of which I am a proud co-sponsor. Importantly, this bill protects workers' rights to unionize, holds employers accountable for violating workers' rights, and ensures unions can have free, fair, and safe elections. By empowering workers to exercise their rights to organize, workers will be given the power to override ''right-to-work'' laws that prevent unions from collecting dues from the workers they represent.

It is significant to me that this body is coming together to pass this legislation on the same day as Mr. Joseph ''Joe'' Girolamo's 100th birthday. Mr. Girolamo of Livonia, Michigan is a veteran of World War II and the son of Italians, family he had a chance to visit while serving overseas. In a recent interview with Hometown Life, Mr. Girolamo shared that after returning home he moved to Livonia with his late wife Lillian. They met playing music and settled down in 1953. Mr. Girolamo worked at the River Rouge complex in Dearborn. He witnessed workers being treated unfairly and became a union man, and spent years advocating for workers' rights. His daughter Joyce Hermann shared with Hometown Life, ''So, there were actually thugs and goons running the place. It was a difficult situation until the union came in. He made sure

everything was done by the book and his workers weren't doing anything unsafe. It was a really big change back then.''

Earlier today as I wished Mr. Girolamo by phone a Happy Birthday and thanked him for his work with the American Legion and the Veterans of Foreign Wars, I got to listen to him play his harmonica and proudly informed him that today we were passing the PRO Act. He informed me he was smiling over the phone and glad to hear it.

When I think about the legacy and shoulders of giants we stand on in the Congress, it's incredible patriots like Joe, who represent the best of America and Michigan. I am proud and grateful we were able to take another productive step in the direction of the working men and woman in this country and all they are counting on to earn a decent living and save for retirement.

The SPEAKER pro tempore. All time for debate has expired.

Each further amendment printed in part B of House Report 117–10 not earlier considered as part of amendments en bloc pursuant to section 3 of House Resolution 188, shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time after debate for the chair of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of further amendments printed in part B of House Report 117–10, not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Speaker, pursuant to section 3 of House Resolution 188, I rise to offer amendments en bloc No 1.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 1, 4, 9, 11, 12, 13, 14, 15, 16, and 17, printed in part B of House Report 117–10, offered by Mr. SCOTT of Virginia:

AMENDMENT NO. 1 OFFERED BY MS. BOURDEAUX OF GEORGIA

On page 34, after line 13, insert the following:

SEC. 303. RULE OF CONSTRUCTION.

The amendments made by this Act shall not be construed to affect the jurisdictional standards of the National Labor Relations Board, including any standards that measure the size of a business with respect to revenues, that are used to determine whether an industry is affecting commerce for purposes of determining coverage under the National Labor Relations Act (29 U.S.C. 151 et seq.).

In the table of contents, after the matter relating to section 302, insert the following:

Sec. 303. Rule of Construction.

AMENDMENT NO. 4 OFFERED BY MS. DAVIDS OF KANSAS

On page 3, in the table of contents, insert after the matter related to section 302 the following:

Sec. 303. Rule of Construction

On page 34, after line 13, insert the following:

SEC. 303. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to affect the privacy of employees with respect to voter lists provided to labor organizations by employers pursuant to elections directed by the Board.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON LEE OF TEXAS

On page 33, line 13, strike ''Section 203(c)'' and insert ''(a) IN GENERAL.—Section 203(c)''.

On page 34, after line 2, insert the following:

(b) WHISTLEBLOWER PROTECTIONS.—The Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 et seq.) is further amended—

(1) by redesignating section 611 (29 U.S.C. 531) as section 612; and

(2) by inserting after section 610 (29 U.S.C. 530), the following new section:

''WHISTLEBLOWER PROTECTIONS

''SEC. 611.

''(a) IN GENERAL.—No employer or labor organization shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any applicant, covered employee, or former covered employee, of the employer or the labor organization by reason of the fact that such applicant, covered employee, or former covered employee does, or the employer or labor organization perceives the employee to do, any of the following:

''(1) Provide, cause to be provided, or is about to provide or cause to be provided, information to the labor organization, the employer, the Department of Labor, or any other State, local, or Federal Government authority or law enforcement agency relating to any violation of, or any act or omission that such employee reasonably believes to be a violation of, any provision of this Act.

''(2) Testify or plan to testify or otherwise participate in any proceeding resulting from the administration or enforcement of any provision of this Act.

''(3) File, institute, or cause to be filed or instituted, any proceeding under this Act.

''(4) Assist in any activity described in paragraphs (1) through (3).

''(5) Object to, or refuse to participate in, any activity, policy, practice, or assigned task that such covered employee reasonably believes to be in violation of any provision of this Act.

''(b) DEFINITION OF COVERED EMPLOYEE.—For the purposes of this section, the term 'covered employee' means any employee or agent of an employer or labor organization, including any person with management responsibilities on behalf of the employer or labor organization.

''(c) PROCEDURES AND TIMETABLES.—

''(1) COMPLAINT.—

''(A) IN GENERAL.—An applicant, covered employee, or former covered employee who believes that he or she has been terminated or in any other way discriminated against by any person in violation of subsection (a) may file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such violation. Such a complaint must be filed not later than either—

''(i) 180 days after the date on which such alleged violation occurs; or

''(ii) 180 days after the date upon which the employee knows or should reasonably have known that such alleged violation in subsection (a) occurred.

''(B) ACTIONS OF SECRETARY OF LABOR.—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of—

''(i) the filing of the complaint;

''(ii) the allegations contained in the complaint;

''(iii) the substance of evidence supporting the complaint; and

''(iv) opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

''(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

''(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

''(B) GROUNDS FOR DETERMINATION OF COMPLAINTS.—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under paragraph (2), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(3) BURDENS OF PROOF.—

''(A) CRITERIA FOR DETERMINATION.—In making a determination or adjudicating a complaint pursuant to this subsection, the Secretary, an administrative law judge or a court may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any conduct described in subsection (a) with respect to the complainant was a contributing factor in the adverse action alleged in the complaint.

''(B) PROHIBITION.—Notwithstanding subparagraph (A), a decision or order that is favorable to the complainant shall not be issued in any administrative or judicial action pursuant to this subsection if the respondent demonstrates by clear and convincing evidence that the respondent would have taken the same adverse action in the absence of such conduct.

''(C) NOTICE OF RELIEF AVAILABLE.—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under paragraph (2)(A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

''(D) REQUEST FOR HEARING.—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the

person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(E) PROCEDURES.—

''(i) IN GENERAL.—A hearing requested under this paragraph shall be conducted expeditiously and in accordance with rules established by the Secretary for hearings conducted by administrative law judges.

''(ii) SUBPOENAS; PRODUCTION OF EVIDENCE.— In conducting any such hearing, the administrative law judge may issue subpoenas. The respondent or complainant may request the issuance of subpoenas that require the deposition of, or the attendance and testimony of, witnesses and the production of any evidence (including any books, papers, documents, or recordings) relating to the matter under consideration.

''(4) ISSUANCE OF FINAL ORDERS; REVIEW PROCEDURES.—

''(A) TIMING.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) AVAILABLE RELIEF.—

''(i) ORDER OF SECRETARY OF LABOR.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

''(I) to take affirmative action to abate the violation;

''(II) to reinstate the complainant to his or her former position, together with compensation (including back pay with interest) and restore the terms, conditions, and privileges associated with his or her employment;

''(III) to provide compensatory damages to the complainant; and

''(IV) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

''(ii) COSTS AND EXPENSES.—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) FRIVOLOUS CLAIMS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer or labor organization a reasonable attorney fee, not exceeding $1,000, to be paid by the complainant.

''(D) DE NOVO REVIEW.—

''(i) FAILURE OF THE SECRETARY TO ACT.—If the Secretary of Labor has not issued a final order within 270 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(ii) PROCEDURES.—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(II) the amount of back pay, with interest;

''(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

''(IV) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

''(E) OTHER APPEALS.—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) FAILURE TO COMPLY WITH ORDER.—

''(A) ACTIONS BY THE SECRETARY.—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief, compensatory and punitive damages.

''(B) CIVIL ACTIONS TO COMPEL COMPLIANCE.—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(C) AWARD OF COSTS AUTHORIZED.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

''(D) MANDAMUS PROCEEDINGS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—Notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

''(e) SAVINGS.—Nothing in this subsection shall be construed to diminish the rights, privileges, or remedies of any employee who exercises rights under any Federal or State law or common law, or under any collective bargaining agreement.''.

AMENDMENT NO. 11 OFFERED BY MR. LEVIN OF MICHIGAN

Page 34, after line 3, insert the following:

SEC. 301. ELECTRONIC VOTING IN UNION ELECTIONS.

(a) IN GENERAL.—

(1) ELECTRONIC VOTING SYSTEM.—Notwithstanding any other provision of law, subject to the provisions of this section, not later than 90 days after the date of the enactment of this Act, the National Labor Relations Board shall implement a system and procedures to conduct representation elections remotely using an electronic voting system.

(2) PROCEDURES.—The procedures under paragraph (1) shall ensure that each employee voting in a representation election may choose to cast a vote using either an internet voting system or a telephone voting system.

(3) NATIONAL MEDIATION BOARD SYSTEM.—If the Board does not implement a system under paragraph (1) before the date that is 60 days after the date of the enactment of this Act, the Board shall enter into a temporary agreement to use the system used by the National Mediation Board to conduct representation elections for the period—

(A) beginning on the date that is 60 days after the date of enactment of this Act; and

(B) ending on the date that is 90 days after the date of enactment of this Act.

(b) REPORT.— Not later than 180 days of the enactment of this Act, and in each subsequent report under Section 3(c) of the National Labor Relations Act, as amended, the Board shall submit to Congress a report containing a description of the following:

(1) For each representation petition under section 9 of the National Labor Relations Act filed—

(A) the case name and case number;

(B) the number of days between the petition and the election;

(C) the number of days between the stipulation or direction of election and the election;

(D) the method of the election;

(E) the results of the election; and

(F) the number of eligible voters, the number of voters participating in the election, and the method by which each of the voters submitted their vote.

(2) The total cost of conducting all elections the Board conducted through the system and procedures required by subsection (a).

(c) DEFINITIONS.—In this section:

(1) ELECTRONIC VOTING SYSTEM.—The term ''electronic voting system''—

(A) includes an internet voting system and a telephone voting system; and

(B) does not include machines used for casting votes at a polling site or an electronic tabulation system where votes are cast non-electronically but counted electronically (such as a punch card or optical scanning system).

(2) INTERNET VOTING SYSTEM.—The term ''internet voting system'' means an internet-based voting system that allows a participant to cast a ballot remotely using a personal computer or other mobile electronic device that is connected to the internet.

(3) TELEPHONE VOTING SYSTEM.—The term ''telephone voting system'' means a voting system in which participants may cast a vote remotely using a telephone.

(4) REMOTELY.—The term ''remotely'', used with respect to voting in a representation election, means a vote may be cast at any site chosen by a participant in such election.

(5) REPRESENTATION ELECTION.—The term ''representation election'' means a representation election under section 9 of the National Labor Relations Act (29 U.S.C. 159).

On page 34, line 4, strike ''301'' and insert ''302''.

On page 34, line 10, strike ''302'' and insert ''303''.

On page 3, in the table of contents—

(1) in the matter related to section 301, strike ''301'' and insert ''302'';

(2) in the matter related to section 302, strike ''302'' and insert ''303''; and

(3) before the matter related to section 302, as so redesignated, insert the following:

Sec. 301. Electronic Voting in Union Elections.

AMENDMENT NO. 12 OFFERED BY MRS. MCBATH OF GEORGIA

On page 34, after line 13, insert the following:

SEC. 303. RULE OF CONSTRUCTION.

The amendments made under this Act shall not be construed to affect the definitions of ''employer'' or ''employee'' under the laws of any State that govern the wages, work hours, workers' compensation, or unemployment insurance of employees.

In the table of contents, after the matter relating to section 302, insert the following:

Sec. 303. Rule of Construction.

AMENDMENT NO. 13 OFFERED BY MRS. MURPHY OF FLORIDA

On page 34, after line 13, insert the following:

SEC. 303. GAO REPORT.

(a) IN GENERAL.—The Comptroller General, through the Government Accountability Office, shall one year after the date of enactment of this Act commence a study on the impact of Section 101(a) and Section 101(b) of this Act regarding—

(1) the effect on coverage of employees under of the National Labor Relations Act, and the impact from such change in coverage, on their capacity in various sectors to form unions and collectively bargain as a means to improve wages, benefits, workplace safety, and other working conditions, and

(2) the effect on employers and other enterprises regarding the right of employees to organize and collectively bargain over wages, benefits, workplace safety, and other working conditions in such sectors.

(b) FACTORS.—Such study shall identify, compare, and analyze impacts from changes implicated by Section 101(a) and Section 101(b) on—

(1) flexibility for employees with respect to hours, shifts, assignments and working arrangements;

(2) rates of compensation, health care, and employee benefits;

(3) resolution of grievances and disputes, including employers' ability to terminate and employees' right to due process;

(4) use of technology or algorithms, including the adoption of new technology and algorithms; and

(5) workplace safety and health.

(c) STAKEHOLDER INPUT.—In preparing the report, the Government Accountability Office shall gather information from impacted stakeholders, including various business enterprises and labor organizations. In developing a list of stakeholders, the Government Accountability Office shall consult with the House Committee on Education and Labor and the Senate Committee on Health, Education, Labor and Pensions.

(d) CONGRESSIONAL REPORT.—Six months after the commencement of the study, the Government Accountability Office shall transmit its findings and report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and consistent with its policies, make its findings and report available to the public.

(e) PRESIDENTIAL CONSIDERATION.—The President, in consultation with the Department of Labor and other agencies as the President deems appropriate, shall, subsequent to the issuance of such report, consider such findings, and within 60 days may recommend that the House of Representatives and the Senate modify Section 101(a) or Section 101(b), or both or make no recommendations.

(f) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that the House of Representatives shall consider whether to accept, reject, or modify any recommendations received under (e), as it deems appropriate.

On page 3, in the table of contents, insert after the matter relating to section 302 the following:

Sec. 303. GAO Report.

AMENDMENT NO. 14 OFFERED BY MS. NEWMAN OF ILLINOIS

On page 13, on line 17, insert before the period the following: ''and to ensure that such notice is provided to employees in a language spoken by such employees''.

AMENDMENT NO. 15 OFFERED BY MS. STEVENS OF MICHIGAN

Page 34, after line 3, insert the following:

SEC. 301. GAO REPORT ON SECTORAL BARGAINING.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall conduct a review of collective bargaining at the sectoral level in a geographically diverse set of countries where sectoral bargaining is facilitated and prepare and submit to Congress a report with respect to such countries that—

(1) identifies, analyzes, and compares—

(A) the laws and policies governing or related to collective bargaining at the sectoral level;

(B) the administrative systems facilitating such bargaining; and

(C) the procedures involved in sectoral bargaining;

(2) to the extent practicable, consider reported effects of the policies and procedures described in paragraph (1) on—

(A) the wages and compensation of employees;

(B) the number of full-time and part-time employees;

(C) prices, sales, and revenues;

(D) employee turnover and retention;

(E) hiring and training costs;

(F) productivity and absenteeism; and

(G) the development of emerging industries, including those that engage their workforces through technology; and

(3) describes the methodology used to generate the information in the report.

On page 34, line 4, strike ''301'' and insert ''302''.

On page 34, line 10, strike ''302'' and insert ''303''.

In the table of contents— .

(1) in the matter relating to section 301, strike ''301'' and insert ''302'';

(2) in the matter relating to seciton 302, strike ''302'' and insert ''303''; and

(3) insert before the matter relating to section 302, as so amended, the following:

Sec. 301. GAO report on sectoral bargaining.

AMENDMENT NO. 16 OFFERED BY MS. TLAIB OF MICHIGAN

Page 11, line 5, insert ''as soon as practicable and not later than within 120 days, absent extraordinary circumstances or by agreement or permission of the parties,'' after ''dispute''.

AMENDMENT NO. 17 OFFERED BY MR. TORRES OF NEW YORK

On page 33, line 13, strike ''Section'' and insert ''(a) Section''.

On page 34, after line 2, insert the following:

(b) Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(b)) is amended in the matter following paragraph (2)—

(1) by striking the period at the end; and

(2) by inserting ''and shall make such information available to the public in a readily accessible and searchable electronic format, and through a secure software application for use on an electronic device.''.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1415

Mr. SCOTT of Virginia. Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MURPHY).

Mrs. MURPHY of Florida. Madam Speaker, I rise in support of my amendment in the en bloc package. If it is approved, I will vote for the bill.

The PRO Act aims to protect the right of workers to decide whether to form a union that can negotiate with their employer over working conditions. It proceeds from the principle that America is stronger when the middle class is stronger, and the middle class is stronger when unions are stronger.

This principle is personal to me. I grew up in Virginia, and my dad worked at a power plant and he was in a union. He was a refugee from Vietnam. He had an incredible work ethic, but he struggled with English and relied on the union to fight for him to have a living wage and good healthcare. This allowed our family to have opportunities we otherwise wouldn't have had.

There are many provisions in the PRO Act I support. There are also provisions that give me pause, especially the changes made to the definitions of employee and joint employer in the National Labor Relations Act.

Madam Speaker, I thank the Education and Labor Committee and Democratic leadership for working

with me to craft an amendment that addresses my concerns enough for me to support the PRO Act passage. My amendment requires GAO to prepare a report on the impact of these two changes on workers in businesses. The President is required to consider the report, and he can recommend that Congress modify one or both of these definitions.

My amendment also expresses the sense of the House that Congress shall consider whether to accept, reject, or modify any recommendations received from the President. This is called evidence-based policymaking, and we should do more of it.

Madam Speaker, I urge support for my amendment.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the Democrat en bloc amendments. My Democrat colleagues are rushing a radical piece of legislation to the House floor without holding a single committee hearing or markup. Rushing sweeping, one-sided legislation to the floor without any prior debate or consideration this year silences Members of the minority. This is an outright assault on the legislative process and serves only to hide the Democrats' socialist agenda.

There are 20 new members on the Education and Labor Committee on both sides of the aisle, not to mention the dozens of new Members of the House, and their constituents deserve to have their elected representatives examine this dangerous bill.

Additionally, the last time the Education and Labor Committee held a hearing on any version of the PRO Act was July 2019. Since that time, a worldwide pandemic has devastated large sectors of the American economy. In light of this fact alone, Congress should hear from affected stakeholders before passing a radical sweeping bill.

Even more concerning than the muzzle imposed by this sham legislative process on the minority party and business owners around the country is the underlying bill's silencing and disenfranchisement of workers. This far-reaching legislation is nothing more than a union boss wish list aimed at rewarding Democrats' big labor allies at the expense of American workers.

Union membership in the United States has been decreasing for over 60 years, and continues to plummet due to the modern economy and unions' own failings. But instead of increasing transparency and accountability to serve their members better, labor union leaders are demanding House Democrats pass the PRO Act to tilt the scales in their favor. Democrats are doing exactly that, no matter the cost.

Madam Speaker, I would like to remind my colleagues that Federal law already protects the right of employees to organize, and Republicans respect that right. But any reforms to U.S. labor laws should help workers flourish in the modern economy. Unfortunately, the extreme bill before us today helps union bosses at the expense of workers.

The slate of Democrat amendments included in this en bloc amendment are ploys disguised as policy intended to provide political cover to the Democrat Members who are uncomfortable voting for the job-destroying underlying bill, and, in many cases, the amendments included make the bill even worse.

Madam Speaker, I urge my colleagues to reject this partisan en bloc amendment, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the gentleman for his leadership.

Madam Speaker, I rise enthusiastically to support the PRO Act and its protection against executives and companies who violate workers' rights, its support for collective bargaining, and also its access to fair elections with unions.

I rise to support my amendment, number 9. The Jackson Lee amendment is direct. The amendment explicitly extends whistleblower protections to employees, both employers, and unions, under the Labor Management Reporting and Disclosure Act. I am grateful to the unions and to the committee for working with this very important amendment.

It extends whistleblower protection to all employees of employers or of unions to encourage and empower them to come forward and make known that something is wrong.

Ms. Lawson, who was in a fight for $15, worked for a fast food industry. She was sexually harassed. She needs that kind of protection. So this amendment is very strong and adds to this very strong initiative.

Madam Speaker, I rise in support of Jackson Lee Amendment No. 9 included in the Chairman's En Bloc Amendment to H.R. 842, the ''Protecting the Right to Organize Act of 2021,'' or ''PRO Act,'' which protects the basic right to join a union by (1) empowering workers to exercise their right to organize; (2) holding employers accountable for violating workers' rights; and (3) securing free, fair, and safe union elections.

The LMRDA of 1959 protects union members through a ''bill of rights'' for union members, requires extensive reporting of union finances, and mandates transparency of arrangements between employers and anti-labor consultants.

I am pleased that the PRO Act includes reforms to the LMRDA that clarify that employers must disclose arrangements with consultants on indirectly persuading employees on how to exercise their labor rights.

Examples of indirect persuasion include planning employee meetings, training employer representatives, and identifying employees for disciplinary action or targeting.

The Jackson Lee Amendment No. 9 makes a simple common-sense improvement to the bill.

The identical version of this amendment was made in order by the Rules Committee in the 116th Congress and adopted by the House on February 6, 2020, by a roll call vote of 404–18.

Specifically, the amendment explicitly extends whistleblower protections to employees of both employers and unions under the Labor Management Reporting and Disclosure Act.

This is a fair and balanced amendment.

Supreme Court decisions like *Janus* v. *AFSCME,* 585 U.S.____138 S. Ct. 2448, 201 L. Ed. 2d 924 (2018), and many others, have severely weakened the ability for unions to be able to organize and bargain collectively, or to discharge an essential mediating function upon which a vibrant democracy depends.

The PRO Act protects the workers who are trying to organize.

But the Jackson Lee Amendment No. 9 extends whistleblower protections to all employees, of employers or of unions, to encourage and empower them to come forward and make known something wrong or unlawful that they have learned or observed.

Let me give you an example.

Last year, I met Kimberly Lawson, who is part of the Fight for $15.

She also came to see me to advise me of the problems she has had with sexual harassment on her job in the fast-food industry.

She told me, on the record, that if we could pass the PRO Act, she would not be alone trying to raise our hourly wage or face sexual harassment without a union to help her.

Madam Speaker, this whistleblower protection is important because it gives workers like Ms. Lawson the ability to be able to report what is happening to them without losing or jeopardizing their jobs and the ability, like Ms. Lawson, to support her children on the income of a single mother.

Our economy needs a strong middle class, and unions are essential to rebuilding America's middle class and improving the lives of workers and their families.

When workers have the power to stand together and form a union, they have higher wages, better benefits, and safer working conditions.

Protecting workers' rights to organize will help rebuild the middle class and improve the quality of life for workers and their families.

Unions are essential to rebuilding America's middle class and improving the lives of workers and their families because they deliver higher wages, better benefits, and safer working conditions.

Unions deliver bigger paychecks for both union and nonunion workers.

Over the last eight decades, unions have consistently provided workers with a 10- to 20-percent higher wage.

The benefits of union membership are so strong that even the children of union workers enjoy greater economic mobility.

When union density is high, even nonunion workers receive higher wages.

Unions provide workers with a voice on the job to bargain for better wages and safer working conditions.

While the entire economy has suffered from massive job loss during the pandemic, union workers suffered fewer job losses because they were able to bargain with employers on how to respond to the pandemic.

Unions deliver greater access to affordable health care and a more secure retirement.

Private sector workers covered by a union contract are 27 percent more likely to be offered health insurance through their employer.

More than 9 in 10 unionized private sector workers have access to a retirement plan, compared to just 65 percent of nonunion workers.

Unions narrow both the racial wealth gap and the gender pay gap.

About two-thirds (65 percent) of workers age 18 to 64 who are covered by a union contract are women and/or people of color.

Union members of color have almost five times the median wealth of their nonunion counterparts.

Unions are one of the most effective solutions for closing the gender pay gap.

I urge all members to join me in supporting Jackson Lee Amendment No. 9 by voting for the En Bloc Amendment to H.R. 842, the Protecting the Right to Organize Act, or PRO Act, of 2021.

I want to remind us that, in the early 1900s, women worked in factories where they died. They simply died because there were no provisions, no protections; and they died with drastic fires and other devastating actions.

Madam Speaker, I ask support of this legislation.

Madam Speaker, I include in the RECORD a letter of support for the Jackson Lee amendment from the Government Accountability Project. It reads that they think that this is an especially important initiative to be added. I ask that in support.

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, March 8, 2021.

Hon. SHEILA JACKSON LEE,
Member of Congress, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LEE: Thank you for your leadership through legislation to add whistleblower protection rights to the Labor Management Reporting and Disclosure Act of 1959. That law strives for union accountability to its members and in management relations. Your bill reflects best practice rights that Congress has passed 16 times since 2005 in laws throughout the private sector. However, the reality is that not only employers abuse power and undermine worker rights. This legislation protects those who seek accountability within and by organizations whose mission is to protect employees.

As summarized below, your legislation would honor best practices by—

prohibiting retaliation against applicants, employees or former employees who are perceived as disclosing or assisting to disclose violations of the Act's provisions;

protecting both front line and management employees from retaliation;

extending identical protection to those who refuse to obey orders to violate the law;

providing an administrative remedy at the U.S. Department of Labor, with the right to a jury trial in federal court if there is not a timely decision;

governing enforcement with realistic Whistleblower Protection Act legal burdens of proof; and

so employees do not lose by winning, providing ''make whole'' remedies for those who prevail, including cancelation of all career damage, compensatory damages and costs including attorney fees.

Unless there are loopholes in the political mandate for accountability, this legislation should not be controversial. It merely applies almost identical legal rights in the labor-management context that Congress has enacted since 2005 for financial, food safety, consumer protection, energy, medical insurance and transportation whistleblowers. Thank you for your leadership. Please consider Government Accountability Project on call for further assistance.

Sincerely,

TOM DEVINE,
Legal Director.

Ms. JACKSON LEE. Madam Speaker, I ask support of the Jackson Lee amendment in the en bloc amendment No. 1.

Madam Speaker, I rise in support of H.R. 842, the ''Protecting the Right to Organize Act of 2021, or ''PRO Act,'' which protects the basic right to join a union by (1) empowering workers to exercise their right to organize; (2) holding employers accountable for violating workers' rights; and (3) securing free, fair, and safe union elections.

Our economy needs a strong middle class, and unions are essential to rebuilding America's middle class and improving the lives of workers and their families.

The erosion of America's middle-class is a direct result of decades-long assault on workers' rights, funded by wealthy special interests.

When workers have the power to stand together and form a union, they have higher wages, better benefits, and safer working conditions.

Workers seeking to organize a union frequently face a surge of intimidation and retaliation from wealthy special interests.

After decades of anti-worker attacks, union membership is at historic lows and inequality is at historic highs.

It is imperative that we begin to recognize that the American people support unions—over 64 percent of Americans and millennials appreciate the idea of having representation for better quality of life and work.

When workers have the power to stand together and form a union, they have higher wages, better benefits, and safer working conditions.

Protecting workers' rights to organize will help rebuild the middle class and improve the quality of life for workers and their families.

Unions are essential to rebuilding America's middle class and improving the lives of workers and their families because they deliver higher wages, better benefits, and safer working conditions.

Workers with strong unions have been able to set industry standards for wages and benefits that help all workers, both union and nonunion.

Over the last eight decades, unions have consistently provided workers with a 10- to 20-percent higher wage.

The benefits of union membership are so strong that even the children of union workers enjoy greater economic mobility.

Unions provide workers with a voice on the job to bargain for better wages and safer working conditions, and never has it been more important that all workers have a voice in the workplace and access to a union.

While the majority of workers who are currently working onsite at their workplaces believe they face considerable risk of COVID–19 infection, Black and Hispanic workers are more likely to fear risks from work than are White workers.

In fact, Black workers make up one in six of all front-line industry workers, putting them and their family members at greater risk of contracting and spreading COVID–19.

Without unions, many workers are forced to work without personal protective equipment or access to paid leave or premium pay.

When nonunion workers have advocated for health and safety protections or wage increases, they have often been retaliated against or even fired for doing so.

Workers' lives and the health and safety of working families depends on their ability to have a say in how they do their jobs.

While the entire economy has suffered from massive job loss during the pandemic, union workers suffered fewer job losses because they were able to bargain with employers on how to respond to the pandemic.

Unions deliver greater access to affordable health care and a more secure retirement.

Private sector workers covered by a union contract are 27 percent more likely to be offered health insurance through their employer.

More than 9 in 10 unionized private sector workers have access to a retirement plan, compared to just 65 percent of nonunion workers

Unions narrow both the racial wealth gap and the gender pay gap.

The right to a union and collective bargaining is also directly relevant to our urgent national conversation around racial inequality in its various forms, including economic disparities by race.

Unions and collective bargaining help shrink the Black-White wage gap, and this means that the decline of unionization has played a significant role in the expansion of the Black-White wage gap over the last four decades, and that an increase in unionization could help reverse those trends.

About two-thirds (65 percent) of workers age 18 to 64 who are covered by a union contract are women and/or people of color.

Union members of color have almost five times the median wealth of their nonunion counterparts.

Unions are one of the most effective solutions for closing the gender pay gap.

Madam Speaker, here are 36 reasons why Americans should be thankful for unions and remain committed to ensuring there will always be a strong organized labor movement in the United States:

1. Weekends
2. All breaks at work, including your lunch breaks
3. Paid vacation
4. FMLA (Family and Medical Leave Act)
5. Sick leave
6. Social security
7. Minimum wage
8. Civil Rights Act Title VII (prohibits Employer Discrimination)
9. 8-Hour workday
10. Overtime pay
11. Child labor laws
12. Occupational Safety & Health Act (OSHA)
13. 40 Hour Work Week
14. Worker's Compensation (Worker's Camp)
15. Unemployment Insurance
16. Pensions
17. Workplace Safety Standards and Regulations
18. Employer Health Care Insurance
19. Collective Bargaining Rights for Employees
20. Wrongful Termination Laws
21. Age Discrimination in Employment Act of 1967
22. Whistleblower Protection Laws
23. Employee Polygraph Protect Act (Prohibits Employer from using a lie detector test on an employee)

24. Veteran's Employment and Training Services (VETS)
25. Compensation increases and Evaluations (Raises)
26. Sexual Harassment laws
27. Americans With Disabilities Act (ADA)
28. Holiday Pay
29. Employer Dental, Life, and Vision Insurance
30. Privacy Rights
31. Pregnancy and Parental Leave
32. Military Leave
33. The Right to Strike
34. Public Education for Children
35. Equal Pay Acts of 1963 & 2011 (Requires employers pay men and women equally for the same amount of work)
36. Laws Ending Sweatshops in the United States

I urge all members to join me in supporting H.R. 842, the Protecting the Right to Organize Act, or PRO Act, of 2021.

Ms. FOXX. Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, I rise in opposition to the PRO Act and to these amendments.

The PRO Act will ban right-to-work laws in 27 States. It will give unions millions more dollars to funnel to Democrats by requiring all workers to pay dues via payroll deduction, even if they don't support the union.

From 2010 to 2018, unions sent $1.6 billion from employee dues to leftwing groups, such as Planned Parenthood and the Clinton Foundation. The PRO Act will require companies to provide union organizers their private, personal contact information of employees so they can be pressured, harassed, and intimidated into supporting the union.

It will eliminate secret ballots and replace those with card check, where union bosses can simply collect authorization cards supposedly from employees agreeing to organize. If the Union doesn't win the election, it puts the burden on employees to prove they didn't engage in unfair labor practices to influence the outcome.

The PRO Act destroys the franchise model, independent contractor status, subcontractors, and gig workers by implementing a one-size-fits-all new employee classification. It repeals the ban on secondary boycotts and subjects suppliers and affiliates to union pressure, harassment, and intimidation tactics just because they do business with the company that is under attack.

It prohibits the replacement of striking workers, giving unions and employers risk-free leverage, unless the company closes; and eliminates the employer's ability to serve customers and operate during a strike. It massively increases fines and other penalties for employers.

The PRO Act will cost American businesses $47 billion annually, and I urge its rejection.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. NEWMAN).

Ms. NEWMAN. Madam Speaker, I rise today on behalf of the millions of American workers whose rights have been undermined and attacked for decades in this country. I am from a union family.

Americans who have been on the front lines of this pandemic since day one, yet they have been forced to work with lousy benefits, in unsafe conditions, and for insufficient pay. Too many of these workers don't have the ability to organize for stronger rights because too many don't even know their rights to organize.

Many times, employers deliberately don't want their workers to know their rights to organize and they hide it. Other times, it is because a worker's rights are posted in a language that he or she does not speak.

By passing the PRO Act, we will not only require employers to post notices informing workers of their rights to organize, but with the amendment I am proposing, we will also ensure that these notices are posted in the languages spoken by their employees, such as Spanish, Arabic, Polish, and any language, really. When one worker doesn't know their rights, the entire workforce is weakened.

Madam Speaker, I urge my colleagues to pass this amendment and the PRO Act so we can truly restore workers' rights in this country. All workers have rights.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. BOURDEAUX).

Ms. BOURDEAUX. Madam Speaker, I rise today in support of my amendment, which clarifies that the PRO Act does not expand the National Labor Relations Board's jurisdiction over the smallest of small businesses, who help drive the economy in my district and across the country.

The NLRB uses metrics to determine whether a company affects interstate commerce, and, thus, is subject to its enforcement and standards with different thresholds for different types of businesses. My amendment ensures that these thresholds do not change.

In other words, my amendment provides certainty to the small family-run businesses found throughout my district because the labor standards they are subject to will not change under this bill. My amendment protects our employees while maintaining stability for small businesses that are already under so much strain.

Madam Speaker, I urge my colleagues on both sides of the aisle to support this amendment.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), a member of the committee.

Mr. LEVIN of Michigan. Madam Speaker, I rise in support of this en bloc amendment, including my amendment to develop a system and procedures to conduct union elections electronically.

Last week, I was in Bessemer, Alabama, supporting workers fighting to form a union at an Amazon warehouse. Amazon, the company that got us all to stay home instead of going to a store in person, demanded an in-person election for 5,800 workers in the middle of a COVID hotspot, but the NLRB ordered a safer mail ballot election instead. Amazon circumvented that ruling and had a mailbox placed in the parking lot under a tent covered in antiunion propaganda, and urged employees to vote there.

This is why the PRO Act gives workers the right to choose the method of their own election, so they can vote away from such coercive environments.

Electronic union elections aren't new. The National Mediation Board has conducted secure electronic elections in the rail and airline industries for almost two decades without a single problem.

Madam Speaker, I urge my colleagues to support this amendment and the PRO Act.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Madam Speaker, workers in our Nation deserve human dignity. That means the right to fight for safety and fairness in the workplace, as residents in my district know this all too well because we birthed the labor rights movement.

One of the most important provisions in the PRO Act provides for mediation and arbitration if the employer and union cannot agree to a first collective bargaining agreement.

My amendment guarantees that there will be no undue delay providing workers that agreement. Currently, almost 50 percent of unions fail to reach an agreement within a year with the employer. So my amendment specifies that the arbitration panel must issue a decision within 120 days. This furthers the core purpose of the bill by preventing employers from delaying this and putting the harm on workers.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. TORRES).

Mr. TORRES of New York. Madam Speaker, a law is only as strong as the power to enforce it. For far too long, the NLRB has been too powerless to enforce the National Labor Relations Act. For too long, workers have been left to largely fend for themselves in the face of retaliation and intimidation and arbitration.

The PRO Act would breathe new life into the National Labor Relations Act. It would empower the NLRB to impose civil penalties on and empower workers to seek punitive damages against retaliatory employers. Most importantly, the PRO Act would preempt the Orwellian right-to-work laws so that union organizing is given the freedom

to flourish everywhere in the United States.

The PRO Act requires an employer to disclose every time it seeks the services of a professional union-buster.

□ 1430

I am proud to introduce an amendment that requires DOL to make these disclosures available through an app. App-based notification would empower essential workers to be vigilant in defending their essential right to organize.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, these amendments will provide whistle-blower protection for workers, expose violations of the Labor-Management Reporting and Disclosure Act, require the Department of Labor to make employment arrangements and payments to union avoidance firms available and more accessible, clarify that nothing in the bill would expand the National Labor Relations Board's jurisdictional standards, direct the NLRB to establish a system of electronic voting in representation elections, clarify that nothing in the bill will be construed to amend the definition of employer or employee in any provisions of State law, direct the GAO to produce a study of the use of sectoral bargaining in peer nations, require that workers are informed of their rights under the bill in a language that they actually speak, direct the GAO to produce a study of the impact of the PRO Act's changes to the definitions of employee and employer, adds a 120-day timeline for the arbitration process when workers and employers are unable to reach a first bargaining agreement, and confirms that the bill will not affect existing provisions for worker privacy.

These amendments make meaningful improvements to the bill.

Madam Speaker, I urge a ''yes'' vote on en bloc 1, and I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, as the party that claims to champion the working class, Democrats have certainly missed the mark with this bill.

H.R. 842 will force employers to hand over workers' private, personal information to union organizers without workers having any say in the matter or making sure their information will not be shared with others. This would make it even easier for union organizers to target, harass, and intimidate workers.

H.R. 842 also overturns all State right-to-work laws. These 27 State laws allow workers to decide for themselves whether to join a union and pay dues.

If the PRO Act becomes law, workers will be forced to take money from their paychecks and give it to labor unions even if they don't want to be represented by a union. This is astonishing since we know that from 2010 to 2018 unions spent $1.6 billion in member dues on hundreds of left-leaning groups such as Planned Parenthood, the Clinton Foundation, and the Progressive Democrats of America without consulting their members.

The PRO Act will also undermine workers' right to vote by secret ballot by imposing a biased card-check scheme in which workers could be unionized without the union winning a secret ballot election. Every Member of Congress is elected by secret ballot, and House Democrats elect their own caucus leadership by secret ballot; yet they want to deprive American workers of that same protection by passing the PRO Act.

The bill also deprives individuals of entrepreneurial opportunities, the ability to set their own hours, and the flexibility to care for children and family members by creating burdensome and discredited legal standards for determining joint employment and independent contractor status. The PRO Act means the elimination of the franchise industry and sharing economy as we know them.

The bottom line is the underlying bill is shameful, and so is the process under which it is being considered. The Democrats' en bloc package of amendments does nothing to change that. H.R. 842 is radical, backwards-looking legislation which will diminish the rights of workers and employers while harming the economy and providing a political gift to labor union special interests.

We are better than this.

Madam Speaker, I urge my colleagues to vote against this en bloc package, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the previous question is ordered on the amendments en bloc offered by the gentleman from Virginia.

The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Speaker, pursuant to section 3 of House Resolution 188, I rise to offer amendments en bloc No. 2.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 2, 3, 5, 6, 7, 8, 10, 18, and 19, printed in part B of House Report 117–10, offered by Mr. SCOTT of Virginia:

AMENDMENT NO. 2 OFFERED BY MR. ALLEN OF GEORGIA

Page 3, in the table of contents, strike the item relating to section 111.

Beginning on page 32, line 5, strike section 111.

AMENDMENT NO. 3 OFFERED BY MR. COMER OF KENTUCKY

In title II of the bill, strike Sec. 202.

AMENDMENT NO. 5 OFFERED BY MR. FITZGERALD OF WISCONSIN

Page 33, line 13, strike ''Section 203(c)'' and insert ''(A) REPORT TO EMPLOYERS.—Section 203(c)''.

Page 34, after line 2, add at the end the following:

(b) RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.—Title I of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) is amended by adding at the end the following:

''SEC. 106. RIGHT NOT TO SUBSIDIZE UNION NON-REPRESENTATIONAL ACTIVITIES.

''No employee's union dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly related to the labor organization's collective bargaining or contract administration functions on behalf of the represented unit employee unless the employee member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.''.

AMENDMENT NO. 6 OFFERED BY MR. FULCHER OF IDAHO

Page 14, beginning on line 22, in section 105, redesignate paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

Page 14, line 25, insert before paragraph (2) (as so redesignated) the following:

(1) in subsection (a), by adding at the end the following: '': *Provided further*, That an employer's voluntary recognition of a labor organization as exclusive bargaining representative of an appropriate unit of the employer's employees under this subsection, and any collective-bargaining agreement executed by the parties on or after the date of voluntary recognition, will not bar the processing of an election petition unless (1) the employer and labor organization notify the Regional office that recognition has been granted; (2) the employer posts a notice of recognition (provided by the Regional Office) informing employees that recognition has been granted and that they have a right, during a 45-day period to file a decertification or rival-union petition; and (3) 45 days from the posting date pass without a properly supported petition being filed.'';

Page 19, after line 18, insert the following:

''(9) Whenever any party to a representation proceeding files an unfair labor practice charge together with a request that it block the election process, or whenever any party to a representation proceeding requests that its previously filed unfair labor practice charge block the election process, the party shall simultaneously file, but not serve on any other party, a written offer of proof in support of the charge. The offer of proof shall provide the names of the witnesses who will testify in support of the charge and a summary of each witness's anticipated testimony. The party seeking to block the election process shall also promptly make available to the regional director the witnesses identified in its offer of proof. The regional

director shall continue to process the petition and conduct the election. If the charge has not been withdrawn, dismissed, or settled prior to the conclusion of the election, the ballots shall be impounded until there is a final determination regarding the charge and its effect, if any, on the election petition or fairness of the election.''

AMENDMENT NO. 7 OFFERED BY MR. GOOD OF VIRGINIA

Page 14, line 23, strike ''Section 9'' and insert ''(a) IN GENERAL.—Section 9''.

Page 21, after line 7, insert the following:

(b) PROHIBITION OF NEUTRALITY AGREEMENTS.—Section 302 of the Labor Management Relations Act (29 U.S.C. 186) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''or deliver'' each place it appears and inserting ''provide, or deliver''; and

(2) by adding at the end the following:

''(h) As used in this section, the term 'thing of value' includes organizing assistance.''.

AMENDMENT NO. 8 OFFERED BY MR. HERN OF OKLAHOMA

Page 3, in the table of contents, after the item relating to section 302 add at the end the following:

Sec. 304. Effective date.

Page 34, after line 13, add the following:

SEC. 304. EFFECTIVE DATE.

This Act (and the amendments made by such Act) may not take effect until the Secretary of Labor certifies that this Act will not have an adverse impact on rates of employment in the United States.

AMENDMENT NO. 10 OFFERED BY MR. KELLER OF PENNSYLVANIA

Page 6, strike lines 16 through 19 and redesignate subsequent subparagraphs accordingly.

Page 31, strike line 23 and all that follows through page 32, line 4, and redesignate subsequent sections accordingly.

AMENDMENT NO. 18 OFFERED BY MR. WALBERG OF MICHIGAN

Page 18, beginning on line 14, strike ''not later than eight days after a notice of such hearing is served on the labor organization'' and insert ''not earlier than 14 days after a petition for an election under paragraph (1) is filed''.

AMENDMENT NO. 19 OFFERED BY MR. WILSON OF SOUTH CAROLINA

Page 3, in the table of contents, amend the matter relating to section 111 to read as follows:

Sec. 111. National right to work

Beginning on page 32, line 5, amend section 111 to read as follows:

SEC. 111. NATIONAL RIGHT TO WORK.

(a) Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(b) Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by striking '': *Provided,* That'' and all that follows through ''retaining membership''.

(c) Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(1) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(2) in paragraph (4), as so redesignated under section 104, by striking ''covered by an agreement authorized under subsection (a)(3)''.

(d) Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(e) Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleventh.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Republican en bloc amendments.

Madam Speaker, of the 58 amendments submitted by Republicans, unfortunately only nine were made in order, and I remind my colleagues that no committee markup was held on the bill, which prevented any amendments from being considered prior to today.

The Republican amendments highlight the radical and flawed approach H.R. 842 takes which would completely unbalance American labor law in favor of unions while diminishing worker freedom.

I will briefly mention several of the amendments which are included in this en bloc package: Mr. ALLEN's amendment strikes the provision that overturns 27 right-to-work laws which ensure workers do not have to join or pay dues to a union if they choose not to.

Mr. COMER's amendment strikes the provision that would require attorney and consultants to disclose to the Federal Government the agreements they have with employers even if the attorney or consultant never has any contact with employees.

Mr. FITZGERALD's amendment protects worker paychecks by requiring that unions receive express consent to spend their money on activities unrelated to collective bargaining, such as politics.

Mr. GOOD's amendment highlights the often coercive nature of so-called neutrality agreements entered by an employer and union during an organizing drive.

Representative KELLER's amendment removes the provision that would allow intermittent strikes which would be incredibly disruptive to small businesses, and the amendment also removes the provision that would prohibit employers from replacing workers permanently to keep businesses open.

Representative WALBERG's amendment would give employers a reasonable amount of time to prepare for a free election hearing which is especially important for small businesses who have no HR personnel or in-house attorney.

Mr. WILSON's amendment would ensure that workers across the country do not have to join or pay dues to a union if that is their choice.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself 1 minute.

Madam Speaker, we have heard a lot about complaints about the dues but what we don't hear are complaints about the higher salaries, safer workplaces, and better benefits that are accrued by virtue of investments from the unions. They enjoy those benefits, so it is not unreasonable to expect people to pay a fair share of those costs.

Now, fair share does not include the political activities, does not include the annual holiday parties, but those services that the union is obligated by law to provide, negotiating salaries, negotiating a safe workplace, individualized representation when necessary, whatever they do for union members they have to do for nonunion members, a fair share of those expenses is not unreasonable.

Madam Speaker, I hope that we would defeat these amendments that would undermine that idea, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I stand here today disappointed but not surprised that my Democratic colleagues and their union boss allies want my home State of Georgia to look just like New York and California.

This is made abundantly clear in the PRO Act where the bill outright bans State right-to-work laws.

I can tell my colleagues one thing: Not on my watch.

Georgia has been a proud right-to-work State since 1947, and it is one of the many reasons workers have prospered. That is why I rise today to offer my straightforward amendment that strikes the ban on right-to-work States.

No American should be forced to pay for representation and political activities that they do not agree with, and that is what will happen if we do not adopt my amendment.

It is a no-brainer: workers should be in control of their earnings and how they spend it. Americans want choice.

I urge my colleagues to support worker choice and vote ''yes'' on my amendment.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. POCAN.)

Mr. POCAN. Madam Speaker, it is interesting today listening to the debate. I didn't hear anything about workers, trying to actually help workers get a better wage or better benefits or better safety in their workplace from people on the other side of the aisle.

But what I have heard over and over and over again are Planned Parenthood, the Clinton Foundation, and Progressive Democrats of America which, by the way, Madam Speaker, don't appear anywhere inside this bill today.

I guess if you can't talk about what you are going to do on behalf of workers, you are going to talk about Planned Parenthood, Clinton Foundation, and Progressive Democrats of America, which, by the way, I would

argue the free time they have given them this afternoon on national TV is probably more than the donations that actually came from union organizations.

The bottom line is the other party here across the aisle has over and over said they want to rebrand themselves as the workers' party, and yet they haven't done a thing today to prove they care about workers. They have certainly proven for the bosses and corporations that they are best buddies, BFFs forever, but on behalf of workers it is this side of the aisle that is doing all the heavy lifting.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Madam Speaker, my amendment protects the ability of employers to receive advice from an attorney or consultant regarding unionization without the attorney or consultant having to disclose the relationship to the Federal Government when the attorney or consultant will have no contact with the employer's employees.

Congress has no business forcing attorneys to report on an attorney-client relationship when the attorney will not be speaking with employees. Even the left-leaning American Bar Association opposed the Obama persuader rule, and I urge my colleagues to do the same by approving this amendment and protecting the First Amendment rights of employers.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself 1 minute.

Madam Speaker, over 500 attorneys, including 244 Members of the American Bar Association, submitted a letter in support of the persuader rule. It does not require the disclosure of legal representation but only of persuader activities.

Employers hire union avoidance persuaders to consult with them, according to the Department of Labor in 2016, and between 71 and 87 percent of union elections persuaders produce antiunion literature and materials, write speeches and statements, and identify prounion employees for discipline or reward. The employees often do not know that their employer has retained such consultants in its campaign against the union. It is one of the things that they ought to have to disclose.

So, Madam Speaker, I hope that we will defeat this amendment, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, amendment No. 19 amends section 111 and replaces the text with the National Right to Work Act. Section 111 takes away the freedoms of hardworking Americans and overrules State right-to-work laws of 27 States enthusiastically enacted by voters.

American workers should not be forced to pay fees to a labor organization. American workers should not be forced to have a union represent them. American workers should not be forced to have their money go to political candidates they do not support. American workers deserve freedom, and this amendment delivers that.

Right-to-work States like South Carolina have seen firsthand the job creation and robust economy that develops when we expand freedom for jobs. It was crucial for South Carolina in our journey to become the leading manufacturer and exporter of tires with Michelin, Bridgestone, Continental, and Giti, while also being the largest exporter of cars in the United States with BMW, Volvo, and Mercedes vans.

□ 1445

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Madam Speaker, this amendment would strike the bill's provision that allows unions to collect a fair-share fee for services they are legally required to provide, and create, in its place, a national right-to-freeload scheme.

This is a blatant attempt to undermine unions by making it harder to collect reasonable fees for the services they are required by law to perform equally for union members and nonmembers alike.

Let us understand where so-called right-to-work laws come from. They have nothing to do with a right to a job. Their history is rooted in Jim Crow-era laws designed specifically to prevent White and Black workers from organizing together in the same union.

Last week, I was in Alabama, supporting an overwhelmingly Black group of workers in their effort to form a union. I saw how difficult this was in a so-called right-to-work State. These laws are vestiges of a racist past, and it is time we reject them.

Madam Speaker, I appreciate the chairman giving me some time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, H.R. 842 codifies the one-sided Obama-era ambush election rule, which deprives employees of the necessary time to learn about the potential implications of refraining from or joining a union.

My amendment ensures workers have appropriate time to learn the pros and cons of an enormously important decision affecting their careers, their families, and their livelihoods.

Unions often begin organizing campaigns weeks or even months before employers are made aware of this activity, creating a scenario in which workers are only hearing one side of the issue, like the other side of the Chamber today is trying to get across.

Additionally, H.R. 842 imposes a complex scheme of new regulations and penalties on employers of all sizes. Small businesses lacking internal human resources or legal departments would be most harmed by this ambush election.

Providing appropriate time for workers to hear both sides and inform themselves does not substantially change the organizing process. It merely creates a more informed electorate.

Madam Speaker, I urge support for my amendment.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. FITZGERALD).

Mr. FITZGERALD. Madam Speaker, this amendment that I authored would prohibit labor organizations from using union dues and fees collected from workers for non-collective bargaining purposes without the written consent of the employee. No employee should be forced to subsidize political positions they disagree with at the cost of employment.

According to the Center for Union Facts, 43 percent of union households voted Republican, yet 86 percent of the union political support went to Democrat candidates in 2016. Clearly, there is a strong difference of opinion between union bosses and union members on the best pathway forward, but union bosses continue to spend their members' money with little accountability.

Workers across Wisconsin and this country pay annual union dues to labor organizations in exchange for representation, not to line the pockets of the politicians. This amendment would stop unions from sending workers' hard-earned money into a black hole and ensure that the voices of workers are being heard.

I urge my colleagues to vote ''yes'' on this amendment. Employees nationwide deserve to have a say in how their money is spent.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Madam Speaker, my amendment maintains longstanding current law, which protects the ability of employers to continue to do business and provide for their customers during a labor relations dispute.

One of the purposes of the National Labor Relations Act is to eliminate ''substantial obstructions to the free flow of commerce.'' During the economic chaos of the 1930s, Congress passed the NLRA, which struck a careful balance by protecting workers' ability to strike while not protecting the practice of intermittent strikes that create upheaval and uncertainty.

The PRO Act aims to make it impossible for employers to continue to do business in the event of a labor dispute, a death sentence for thousands of small businesses. Allowing intermittent strikes and banning permanent replacements would be devastating to

our economy, our global competitiveness, and the incentive to invest in American workers.

Madam Speaker, I urge my colleagues to adopt this amendment and to prevent dangerous disruptions to our economy.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Madam Speaker, this amendment seeks to hinder workers' First Amendment right to assemble peacefully to better their workplace situation.

No worker wants to go on strike. No worker wants to forgo a paycheck so they can walk a picket line, often in the frigid cold of winter or in the burning sun in the summer. Workers strike because they are left with no other option.

The right to withhold labor is a core right, supposedly protected in our labor law, and the PRO Act would restore that fundamental right because, in practice, it has been gutted.

I actually agree with the gentleman that what we need is to restore the balance that the National Labor Relations Act sought to create when it was passed in 1935.

The things we are changing aren't the National Labor Relations Act that was passed. It is not that balance. It is the ways that employees' freedom to withhold their labor has been gutted in the interim by State and Federal courts and by this body.

We need to restore workers' freedom to withhold their labor in order to improve their situation. That is all this bill does. Let's get back to that balance.

Ms. FOXX. Madam Speaker, could I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from North Carolina has 2½ minutes remaining. The gentleman from Virginia has 4½ minutes remaining.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, the right to organize is appropriately protected in America, the right to organize fairly, honestly, and transparently.

My amendment would provide greater fairness and transparency by prohibiting so-called neutrality agreements. These prevent an employer from saying anything negative about the union and ensure that workers only hear one side, the union boss's side.

Neutrality agreements often include card check in lieu of a secret ballot, permit unions access to company property for organizational efforts, and give private employee contact information to the unions. The company, which was inevitably threatened with retaliatory consequences if they didn't agree to the neutrality agreement, will often provide the unions with a captive audience on company time to present the prounion argument.

Neutrality agreements are grounded in the same leftist view that companies are trying to take advantage of their employees. Neutrality agreements should be prohibited. Employees should be permitted to hear both sides, pro and con, regarding organizing, and then permitted to make informed decisions by secret ballot.

Madam Speaker, I urge my colleagues to support these amendments.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Madam Speaker, this amendment is truly amazing to me as a longtime union organizer. It seeks to undermine the freedom of contract, the ability of employers and unions to agree on how to handle a situation freely together.

The shock of giving the employees' addresses and other contact information: That is required in every NLRB election, and it has been since the Excelsior Underwear case many decades ago.

The shock of letting the workers have access to hearing from the union on company time: The current law is that employers can force employees, on company time, to listen to antiunion propaganda the entire time. If you refuse to go, you could be fired. But if an organizer tries to step on the premises of the employer, they could be arrested.

I have been arrested for trying to talk to workers. It was on a public sidewalk, but the police said we were too close. Anyway, that was thrown out, as it should have been. We were exercising our First Amendment rights.

In any event, this amendment is truly astounding in a capitalist society. We need to let parties be free, and I urge rejection of the amendment.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Madam Speaker, I thank the chairman so much for his leadership.

Madam Speaker, at base, what we are talking about here is whether workers in this country are free to come together and form a union. All of these amendments are designed to undermine that right.

Let's get back to the basic concept of a free market for workers, where they, prounion or antiunion, can decide amongst themselves whether they want to form a union or not, and not have the person in the world who has the most power over them, their boss, who decides their wages and their hours, to pressure them, to force them to listen to things, to subject them to propaganda.

The PRO Act simply creates freedom for workers to form unions, at long last, so that the workers who want to form a union can do so freely.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to thank my Republican colleagues for offering these thoughtful amendments, which would protect the interests and rights of workers and employers alike. They negate some of the worst aspects of the PRO Act.

My colleagues on the other side of the aisle said that the PRO Act gives workers the right to form a union. That right has been around since the 1930s, Madam Speaker. Workers are already free to form a union, and Republicans do nothing to try to stop that freedom.

What the underlying bill does, however, is take away the freedom not to belong to a union. That is a fundamental freedom in this country, and we ought not to be taking that away from the American workers.

I urge a ''yes'' vote on the Republican en bloc amendments and a ''no'' vote on the underlying bill, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, as a group, these amendments would erode workers' rights, slow down elections, allow workers to freeload, or even prohibit employers from agreeing not to interfere with the election. I would hope that we would defeat these amendments, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the previous question is ordered on the amendments en bloc offered by the gentleman from Virginia (Mr. SCOTT).

The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 842 is postponed.

□ 1500

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1319, AMERICAN RESCUE PLAN ACT OF 2021

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 117–11) on the resolution (H. Res. 198) providing for consideration of the Senate amendment to the bill (H.R. 1319) to provide for reconciliation pursuant to title II of S. Con. Res. 5, which was referred to the House Calendar and ordered to be printed.